

**DEPARTMENT OF HOMELAND SECURITY****Office of the Secretary****6 CFR Chs. I and II****[DHS Docket No. OGC-RP-04-001]****Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Office of the Secretary, DHS.**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This regulatory agenda is a semiannual summary of all current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

**FOR FURTHER INFORMATION CONTACT:***General*

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Division, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

*Specific*

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

**SUPPLEMENTARY INFORMATION:**

DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order 12866, "Regulatory Planning and Review" (September 30, 1993), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department.

DHS's last semiannual regulatory agenda was published on May 11, 2009, at 74 FR 21944.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov).

As part of the Unified Agenda, federal agencies are also required to prepare a Regulatory Plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year. As in past years, for fall editions of the Unified Agenda, the entire regulatory plan, including DHS's regulatory plan, is printed in the **Federal Register**.

The Regulatory Flexibility Act (5 U.S.C. 602) requires federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, "a brief description of the subject area of any rule . . . which is likely to have a significant economic impact on a substantial number of small entities." DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

**Dated: October 9, 2009.**

**NAME: Christina E. McDonald,**  
*Deputy Associate General Counsel for Regulatory Affairs.*

## The 237 Regulatory Agendas

## Office of the Secretary - Proposed Rule

Title	Regulation Identifier Number
Freedom of Information Act and Privacy Act Procedures	<a href="#">1601-AA00</a>
Supplemental Standards of Ethical Conduct for Employees of the Department of Homeland Security	<a href="#">1601-AA17</a>
Homeland Security Acquisition Regulation (HSAR): Revision Initiative	<a href="#">1601-AA28</a>
Homeland Security Acquisition Regulations (HSAR); Patents, Data, and Copyrights	<a href="#">1601-AA38</a>
Revision of Department of Homeland Security Acquisition Regulation (HSAR); Notification on Limitation in Subcontracting (HSAR Case 2007-004)	<a href="#">1601-AA43</a>
Secure Handling of Ammonium Nitrate Program	<a href="#">1601-AA52</a>
Petitions for Rulemaking, Amendment or Repeal	<a href="#">1601-AA56</a>

## Office of the Secretary - Final Rule

Title	Regulation Identifier Number
Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT)	<a href="#">1601-AA34</a>
Homeland Security Acquisition Regulation (HSAR); Lead System Integrators	<a href="#">1601-AA49</a>
Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances	<a href="#">1601-AA58</a>

## Office of the Secretary - Long-term Action

Title	Regulation Identifier Number
Production or Disclosure of Official Information in Connection With Legal Proceedings	<a href="#">1601-AA01</a>
Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	<a href="#">1601-AA03</a>
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	<a href="#">1601-AA04</a>
Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	<a href="#">1601-AA05</a>
Regulations Imposing Restrictions Upon Lobbying	<a href="#">1601-AA12</a>
Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	<a href="#">1601-AA18</a>
Collection of Nontax Debts Owed to the Department of Homeland Security	<a href="#">1601-AA23</a>
Nondiscrimination in Matters Pertaining to Faith-Based Organizations	<a href="#">1601-AA40</a>
Implementation of OMB Guidance on Nonprocurement Debarment and Suspension	<a href="#">1601-AA46</a>
Department of Homeland Security (DHS) Human Resources Management System	<a href="#">1601-AA53</a>
Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition	<a href="#">1601-AA57</a>

## Office of the Secretary - Completed Action

Title	Regulation Identifier Number
Homeland Security Acquisition Regulation (HSAR); Agency Protests	<a href="#">1601-AA50</a>
Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or	<a href="#">1601-AA55</a>

Operated by an Individual Convicted of a Felony (HSAR Case 2009-001)	
Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes	<a href="#">1601-AA59</a>

## U.S. Citizenship and Immigration Services - Proposed Rule

Title	Regulation Identifier Number
Asylum and Withholding Definitions	<a href="#">1615-AA41</a>
Implementation of Amendments Affecting Petitions for Employment Creation for Aliens	<a href="#">1615-AA90</a>
Amendments to Regulatory Provisions Regarding Refugee and Asylee Relative Petitions	<a href="#">1615-AB54</a>
Classification of Adopted Aliens as Children of United States Citizens Based on Adoptions That Are Not Governed by the Hague Convention	<a href="#">1615-AB57</a>
Registration Requirements for Employment-Based Categories Subject to Numerical Limitations	<a href="#">1615-AB71</a>
Documents and Receipts Acceptable for Employment Eligibility Verification	<a href="#">1615-AB72</a>
Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule	<a href="#">1615-AB80</a>
Special Immigrant Juvenile Petitions	<a href="#">1615-AB81</a>
Preference Alien Registration of Intention To Apply for Adjustment of Status; Pre-Filing of Certain Applications	<a href="#">1615-AB82</a>

## U.S. Citizenship and Immigration Services - Final Rule

Title	Regulation Identifier Number
Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children	<a href="#">1615-AA03</a>
Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	<a href="#">1615-AA29</a>
Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence	<a href="#">1615-AA42</a>
Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	<a href="#">1615-AA53</a>
New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status	<a href="#">1615-AA59</a>
Adjustment of Status to Lawful Permanent Resident for Aliens in T and U Nonimmigrant Status	<a href="#">1615-AA60</a>
New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	<a href="#">1615-AA67</a>
Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	<a href="#">1615-AA83</a>
Interpretation at Asylum Interviews	<a href="#">1615-AB35</a>
Application Process for Replacing Forms I-551 Without an Expiration Date	<a href="#">1615-AB36</a>
Documents and Receipts Acceptable for Employment Eligibility Verification	<a href="#">1615-AB69</a>
Commonwealth of the Northern Mariana Islands Transitional Nonimmigrant Investor Classification	<a href="#">1615-AB75</a>
Commonwealth of the Northern Mariana Islands Transitional Workers Classification	<a href="#">1615-AB76</a>
Revisions to Federal Immigration Regulations for the Commonwealth of the Northern Mariana Islands; Conforming Regulations	<a href="#">1615-AB77</a>
Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands	<a href="#">1615-AB79</a>
Immigration Benefits Business Transformation, Increment I	<a href="#">1615-AB83</a>
Naturalization for Certain Persons in the U.S. Armed Forces	<a href="#">1615-AB85</a>

## U.S. Citizenship and Immigration Services - Long-term Action

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Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits	<a href="#">1615-AA05</a>
Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	<a href="#">1615-AA12</a>
Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security	<a href="#">1615-AA14</a>
Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador,	

and Former Soviet Bloc Countries	<a href="#">1615-AA17</a>
Regulations Concerning the Convention Against Torture	<a href="#">1615-AA19</a>
Inadmissibility and Deportability on Public Charge Grounds	<a href="#">1615-AA22</a>
Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	<a href="#">1615-AA24</a>
Revoking Grants of Naturalization	<a href="#">1615-AA30</a>
National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	<a href="#">1615-AA34</a>
Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	<a href="#">1615-AA35</a>
Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	<a href="#">1615-AA40</a>
Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention	<a href="#">1615-AA43</a>
Academic Honorarium for B Nonimmigrant Aliens	<a href="#">1615-AA44</a>
Children Born Outside the United States; Applications for Certificate of Citizenship	<a href="#">1615-AA45</a>
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Establishing Premium Processing Service for Employment-Based Petitions and Applications	<a href="#">1615-AA49</a>
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K Nonimmigrant Classification; Legal Immigration Family Equity (LIFE) Act	<a href="#">1615-AA56</a>
Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	<a href="#">1615-AA57</a>
Removal of Limitations on the Validity Period for Employment Authorization Documents	<a href="#">1615-AA63</a>
Requiring Change of Status From B-1 to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	<a href="#">1615-AA73</a>
Withholding of Adjudication	<a href="#">1615-AA86</a>
Eliminating the Numerical Cap on Mexican TN Nonimmigrants	<a href="#">1615-AA96</a>
Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment-Based Immigrants	<a href="#">1615-AB14</a>
Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates	<a href="#">1615-AB28</a>
Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	<a href="#">1615-AB44</a>
Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status	<a href="#">1615-AB50</a>
Removing References to Filing Locations and Obsolete References to Legacy Immigration and Naturalization Service	<a href="#">1615-AB56</a>
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## U.S. Citizenship and Immigration Services - Completed Action

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Modifications to Forwarding of Affirmative Asylum Applications to Department of State	<a href="#">1615-AB59</a>
Updates to Title 8 of the Code of Federal Regulations	<a href="#">1615-AB66</a>
Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances	<a href="#">1615-AB70</a>

## U.S. Coast Guard - Proposed Rule

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Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)	<a href="#">1625-AA03</a>
State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)	<a href="#">1625-AA06</a>
Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (USCG-2004-17914)	<a href="#">1625-AA16</a>
Outer Continental Shelf Activities (USCG-1998-3868)	<a href="#">1625-AA18</a>
Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)	

	<a href="#">1625-AA32</a>
Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)	<a href="#">1625-AA58</a>
Commercial Fishing Industry Vessels (USCG-2003-16158)	<a href="#">1625-AA77</a>
Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621)	<a href="#">1625-AA89</a>
Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963)	<a href="#">1625-AA93</a>
Inspection of Towing Vessels (USCG-2006-24412)	<a href="#">1625-AB06</a>
Installation and Use of Engine Cut-off Switches [USCG-2009-0206]	<a href="#">1625-AB34</a>
Classification Society Approval	<a href="#">1625-AB35</a>
Marine Vapor Control Systems	<a href="#">1625-AB37</a>
Maritime Security (MTSA II)	<a href="#">1625-AB38</a>

## U.S. Coast Guard - Final Rule

Title	Regulation Identifier Number
Traffic Separation Schemes: In the Strait of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702)	<a href="#">1625-AA48</a>
Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability--Vessels and Deepwater Ports	<a href="#">1625-AB25</a>
Nontank Vessel Response Plans and Other Vessel Response Plan Requirements [USCG-2008-1070]	<a href="#">1625-AB27</a>
Notice of Arrival on the Outer Continental Shelf	<a href="#">1625-AB28</a>
Protection for Whistle Blowers in the Coast Guard (USCG-2009-10239)	<a href="#">1625-AB33</a>

## U.S. Coast Guard - Long-term Action

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Discharge-Removal Equipment for Vessels Carrying Oil	<a href="#">1625-AA02</a>
Regatta and Marine Parade Regulations	<a href="#">1625-AA08</a>
Drawbridge Regulations	<a href="#">1625-AA09</a>
Regulated Navigation Areas	<a href="#">1625-AA11</a>
Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)	<a href="#">1625-AA12</a>
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Numbering of Undocumented Barges (USCG-1998-3798)	<a href="#">1625-AA14</a>
Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623)	<a href="#">1625-AA17</a>
Commercial Diving Operations (USCG-1998-3786)	<a href="#">1625-AA21</a>
Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)	<a href="#">1625-AA22</a>
Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080)	<a href="#">1625-AA25</a>
Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)	<a href="#">1625-AA59</a>
Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)	<a href="#">1625-AA81</a>
Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)	<a href="#">1625-AA85</a>
Security Zone Regulations	<a href="#">1625-AA87</a>
Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System (USCG-2005-21869)	<a href="#">1625-AA99</a>
Revision of LNG and LHG Waterfront Facility General Requirements	<a href="#">1625-AB13</a>
Passenger Weight and Inspected Vessel Stability Requirements (USCG-2007-0030)	<a href="#">1625-AB20</a>
Transportation Worker Identification Credential (TWIC); Card Reader Requirements (USCG-2007-28915)	<a href="#">1625-AB21</a>
Implementation of Vessel Security Officer Training and Certification Requirements--International Convention on	

Standards of Training, Certification, and Watchkeeping for Seafarers, 1978	<a href="#">1625-AB26</a>
Consolidate Cruise Ship Regulations (USCG-2006-23846)	<a href="#">1625-AB30</a>
Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard [USCG-2008-1259]	<a href="#">1625-AB32</a>
Amendment to General Bridge Regulations [USCG-2008-1188]	<a href="#">1625-AB36</a>
Great Lakes Pilotage Rates--2010 Annual Review and Adjustment	<a href="#">1625-AB39</a>

## U.S. Coast Guard - Completed Action

Title	Regulation Identifier Number
Escort Vessels in Certain U.S. Waters (USCG-2006-23556)	<a href="#">1625-AA10</a>
Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)	<a href="#">1625-AA26</a>
Pollution Prevention Equipment (USCG-2004-18939)	<a href="#">1625-AA90</a>
Alternate Compliance Program: Vessel Inspection Alternatives (USCG-2004-19823)	<a href="#">1625-AA92</a>
Large Passenger Ship Crew Requirements (USCG-2007-27761)	<a href="#">1625-AB16</a>
Crewmember Identification Documents (USCG-2007-28648)	<a href="#">1625-AB19</a>
Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Reduction Act	<a href="#">1625-AB24</a>
2009 Rates for Pilotage on the Great Lakes (USCG-2008-1126)	<a href="#">1625-AB29</a>
International Air Pollution Prevention (IAPP) Certificates (USCG-2008-1014)	<a href="#">1625-AB31</a>

## U.S. Customs and Border Protection - Proposed Rule

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Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines	<a href="#">1651-AA45</a>
Land Border Carrier Initiative Program	<a href="#">1651-AA68</a>
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Issuance of an Arrival and Departure Form (I-94) Valid for Multiple Entries for Certain Aliens	<a href="#">1651-AA75</a>
Further Consolidation of CBP Drawback Centers	<a href="#">1651-AA79</a>

## U.S. Customs and Border Protection - Final Rule

Title	Regulation Identifier Number
Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws	<a href="#">1651-AA58</a>
Extension of Time Limit on Admission of Certain Mexican Nationals	<a href="#">1651-AA60</a>
Importer Security Filing and Additional Carrier Requirements	<a href="#">1651-AA70</a>
Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program	<a href="#">1651-AA72</a>
Customs Broker License Examination Individual Eligibility Requirements	<a href="#">1651-AA74</a>
Implementation of the Guam-CNMI Visa Waiver Program	<a href="#">1651-AA77</a>

## U.S. Customs and Border Protection - Long-term Action

Title	Regulation Identifier Number
Visa Waiver Program	<a href="#">1651-AA00</a>
Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings	<a href="#">1651-AA04</a>
Establishment of Preinspected Automated Lane (PAL) Program	<a href="#">1651-AA06</a>
Amendment of the Regulatory Definition of Arriving Alien	

	<a href="#">1651-AA07</a>
Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards	<a href="#">1651-AA08</a>
Extension of 25-Mile Limit at Select Arizona Ports-of-Entry	<a href="#">1651-AA11</a>
Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	<a href="#">1651-AA23</a>
Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands	<a href="#">1651-AA29</a>
Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program	<a href="#">1651-AA35</a>
Access to Customs Security Areas at Airports	<a href="#">1651-AA38</a>
Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States	<a href="#">1651-AA40</a>
Air Transit Program	<a href="#">1651-AA50</a>
Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens	<a href="#">1651-AA67</a>
Coastwise Transportation of Passengers	<a href="#">1651-AA76</a>

## U.S. Customs and Border Protection - Completed Action

Title	Regulation Identifier Number
Cargo Container and Road Vehicle Certification Pursuant to International Conventions: Designated Certifying Authorities	<a href="#">1651-AA78</a>

## Transportation Security Administration - Proposed Rule

Title	Regulation Identifier Number
Aircraft Repair Station Security	<a href="#">1652-AA38</a>
Large Aircraft Security Program, Other Aircraft Operator Security Program, and Airport Operator Security Program	<a href="#">1652-AA53</a>
Public Transportation and Passenger Railroads--Security Training of Employees	<a href="#">1652-AA55</a>
Freight Railroads--Security Training of Employees	<a href="#">1652-AA57</a>
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Vetting, Adjudication, and Redress Process and Fees	<a href="#">1652-AA61</a>

## Transportation Security Administration - Final Rule

Title	Regulation Identifier Number
Air Cargo Screening	<a href="#">1652-AA64</a>

## Transportation Security Administration - Long-term Action

Title	Regulation Identifier Number
Imposition and Collection of Passenger Civil Aviation Security Service Fees	<a href="#">1652-AA00</a>
Aviation Security Infrastructure Fees (ASIF)	<a href="#">1652-AA01</a>
Civil Aviation Security Rules	<a href="#">1652-AA02</a>
Security Programs for Aircraft Weighing 12,500 Pounds or More	<a href="#">1652-AA03</a>
Protection of Sensitive Security Information (SSI)	<a href="#">1652-AA08</a>
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Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees	<a href="#">1652-AA35</a>
Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)	<a href="#">1652-AA43</a>
Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations	<a href="#">1652-AA49</a>



Drivers Licensed by Canada or Mexico Transporting Hazardous Materials To and Within the United States	<a href="#">1652-AA50</a>
Sensitive Security Information: Disclosure in Federal Civil Court Proceedings	<a href="#">1652-AA54</a>
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Freight Railroads--Vulnerability Assessment and Security Plan	<a href="#">1652-AA58</a>
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## Transportation Security Administration - Completed Action

Title	Regulation Identifier Number
Secure Flight Program	<a href="#">1652-AA45</a>
Rail Transportation Security	<a href="#">1652-AA51</a>
Airport Access Controls	<a href="#">1652-AA63</a>
False Statements Regarding Security Background Checks	<a href="#">1652-AA65</a>

## U.S. Immigration and Customs Enforcement - Proposed Rule

Title	Regulation Identifier Number
Clarification of Criteria for Certification, Oversight, and Recertification of Schools by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students	<a href="#">1653-AA44</a>
Continued Detention of Aliens Subject to Final Orders of Removal	<a href="#">1653-AA60</a>

## U.S. Immigration and Customs Enforcement - Final Rule

Title	Regulation Identifier Number
Continued Detention of Aliens Subject to Final Orders of Removal	<a href="#">1653-AA13</a>
Electronic Signature and Storage of Form I-9, Employment Eligibility Verification	<a href="#">1653-AA47</a>
Extending Period for Optional Practical Training by 17 Months for F-1 Nonimmigrant Students With STEM Degrees and Expanding the CAP-GAP Relief for All F-1 Students With Pending H-1B Petitions	<a href="#">1653-AA56</a>

## U.S. Immigration and Customs Enforcement - Long-term Action

Title	Regulation Identifier Number
Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal	<a href="#">1653-AA05</a>
Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	<a href="#">1653-AA06</a>
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Custody Procedures	<a href="#">1653-AA14</a>
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Changes in Registration Policies and Monitoring of Certain Nonimmigrants	<a href="#">1653-AA29</a>
Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	<a href="#">1653-AA30</a>
Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	<a href="#">1653-AA31</a>
Amendment of Flight Training Regulations for F and M Nonimmigrants and to Transition J Flight Training Programs of the Department of State to M Flight Programs With the Department of Homeland Security	<a href="#">1653-AA43</a>
Strengthening Control Over Immigration Surety Bonds	<a href="#">1653-AA45</a>

Removal of Obsolete Procedures and Requirements for F and M Nonimmigrant Students for Schools Authorized To Enroll F and M Nonimmigrant Students	<a href="#">1653-AA51</a>
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## U.S. Immigration and Customs Enforcement - Completed Action

Title	Regulation Identifier Number
Safe-Harbor Procedures for Employers Who Receive a No-Match Letter: Rescission	<a href="#">1653-AA59</a>

## Federal Emergency Management Agency - Proposed Rule

Title	Regulation Identifier Number
Disaster Assistance; Federal Assistance to Individuals and Households	<a href="#">1660-AA18</a>
National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums	<a href="#">1660-AA30</a>
National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Compensation for FIRA Implementation	<a href="#">1660-AA48</a>
Update of FEMA's Public Assistance Regulations	<a href="#">1660-AA51</a>
Employment of Personnel for Purposes of the Defense Production Act	<a href="#">1660-AA55</a>
Voluntary Agreements Under Section 708 of the Defense Production Act of 1950, as Amended	<a href="#">1660-AA56</a>
Federal Emergency Management Agency Stafford Act Mission Assignments	<a href="#">1660-AA60</a>
Federal Emergency Management Agency Emergency Support Teams	<a href="#">1660-AA61</a>
Treatment of Firearms in Response To or Recovery From a Major Disaster or Emergency	<a href="#">1660-AA62</a>
Revision to FEMA Rulemaking Policy and Procedures	<a href="#">1660-AA67</a>

## Federal Emergency Management Agency - Final Rule

Title	Regulation Identifier Number
Management Costs	<a href="#">1660-AA21</a>
National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)	<a href="#">1660-AA22</a>
Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	<a href="#">1660-AA23</a>
National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers	<a href="#">1660-AA28</a>
National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement	<a href="#">1660-AA29</a>
Special Community Disaster Loans Program	<a href="#">1660-AA44</a>
Technical Amendment; Implementation of Standard Form 425 Federal Financial Report	<a href="#">1660-AA65</a>

## Federal Emergency Management Agency - Long-term Action

Title	Regulation Identifier Number
Disaster Assistance; Hazard Mitigation Grant Program	<a href="#">1660-AA02</a>
National Urban Search and Rescue Response System	<a href="#">1660-AA07</a>
National Flood Insurance Program (NFIP); Insurance Coverage and Rates	<a href="#">1660-AA09</a>
Disaster Assistance; Public Assistance Repetitive Damage	<a href="#">1660-AA47</a>

## Federal Emergency Management Agency - Completed Action

Title	Regulation Identifier Number
Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	<a href="#">1660-AA01</a>

Flood Mitigation Grants and Hazard Mitigation Planning	<a href="#">1660-AA36</a>
Public Assistance Eligibility	<a href="#">1660-AA45</a>
Technical, Organizational, and Conforming Amendments	<a href="#">1660-AA57</a>
National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement	<a href="#">1660-AA58</a>
Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607).	<a href="#">1660-AA63</a>
Technical Amendment; Federal Emergency Management Agency's Claims Appeals	<a href="#">1660-AA64</a>

Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA00

 [View Related Documents](#)

Title: Freedom of Information Act and Privacy Act Procedures

Abstract: This rulemaking action will revise 6 CFR part 5, which contains the Department of Homeland Security's (DHS) Freedom of Information Act (5 U.S.C. 552) (FOIA) and Privacy Act (5 U.S.C. 552a) regulations. This rulemaking action will amend DHS's FOIA regulations including those provisions governing information subject to Privacy Act exemptions and procedures for verification of the identity of Privacy Act requesters. FOIA provides for the disclosure of agency records to the public unless that information is exempt under clearly delineated statutory language. The Privacy Act regulates the collection, maintenance, use, and dissemination of Personally Identifiable Information (PII) maintained by agencies and departments of the Executive Branch, including DHS. The procedures established here would assist the Department in satisfying its responsibilities to the public to disclose Departmental information while at the same time safeguarding individual privacy.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 5 USC 552 to 552a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/27/2003	
Interim Final Rule	01/27/2003	68 FR 4056
Interim Final Rule Comment Period End	02/26/2003	
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA17

 [View Related Documents](#)

Title: Supplemental Standards of Ethical Conduct for Employees of the Department of Homeland Security

Abstract: This regulation will supplement the Executive Branch-Wide Standards of Ethical Conduct for employees of the Department of Homeland Security. This regulation will replace the existing supplemental ethics regulations of other

departments, pieces of which were incorporated into DHS that have continued to apply to those employees whose duties and organizational structure have remained largely unchanged after their incorporation. Two significant areas to be addressed by the supplemental regulation are outside employment and the prohibited purchase of Government-owned, seized, or forfeited property by DHS employees.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 4601 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 CFR 2635.105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA28

 [View Related Documents](#)

Title: Homeland Security Acquisition Regulation (HSAR): Revision Initiative

Abstract: The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation (HSAR) as authorized by 41 U.S.C. 418b. The changes will update DHS policies, procedures, implement section 695, Title VI of the Department of Homeland Security Appropriations Act for 2007; and incorporate revised agency acquisition regulatory language as necessary in parts 3001 through 3052 to correspond with the current Federal Acquisition Regulation (FAR) as promulgated by the Federal Acquisition Circulars (FACs), and current Department of Homeland Security policies.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 48 CFR (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 41 USC 418b(a) and 418(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA38

 [View Related Documents](#)

Title: Homeland Security Acquisition Regulations (HSAR); Patents, Data, and Copyrights

Abstract: FAR part 27 implements a number of statutes and executive orders pertaining to patents, data, and copyrights. The current HSAR for part 3027 will be revised to establish DHS specific policy to supplement the FAR content.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR 3027; 48 CFR 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 41 USC 418a; 35 USC 200 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA43

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Title: Revision of Department of Homeland Security Acquisition Regulation (HSAR); Notification on Limitation in Subcontracting (HSAR Case 2007-004)

Abstract: The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR), 48 CFR chapter 30 to provide notice to implement Public Law 109-295, title VI, section 692, Limitations on Tiering of Subcontractors. This limitation applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold [as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] entered into to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster. A contractor is prohibited from using subcontractors for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead or fee), unless the contracting officer determines that the 65 percent limitation is not feasible or practicable.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR 30 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: PL 109-295, sec 692

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA52

 [View Related Documents](#)

Title: Secure Handling of Ammonium Nitrate Program

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled the Secure Handling of Ammonium Nitrate. The amendment requires the Department of Homeland Security to "regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility...to prevent the misappropriation or use of ammonium nitrate in an act of terrorism."

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 6 CFR 31 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Sec 563 of the 2008 Consolidated Appropriations Act, Subtitle J--Secure Handling of Ammonium Nitrate, PL 110-161

Legal Deadline:

Action	Source	Description	Date
NPRM	Statutory	Publication of Notice of Proposed Rulemaking	05/26/2008

Regulatory Plan:

Statement of Need: Pursuant to section 563 of the 2008 Consolidated Appropriations Act, the Secure Handling of Ammonium Nitrate Act, P.L. 110-161, the Department of Homeland Security is required to promulgate a rulemaking to create a registration regime for certain buyers and sellers of ammonium nitrate. The rule, as proposed by this NPRM, would create that regime, and will aid the Federal Government in its efforts to prevent the misappropriation of ammonium nitrate for use in acts of terrorism. By preventing such misappropriation, this rule will limit terrorists' abilities to threaten the public and to threaten the Nation's critical infrastructure and key resources. By securing the nation's supply of ammonium nitrate, it will be much more difficult for terrorists to obtain ammonium nitrate materials for use in improvised explosive devices (IEDs). As a result, there is a direct value in the deterrence of a catastrophic terrorist attack using ammonium nitrate such as the Oklahoma City attack that killed over 160, injured 853 people, and is estimated to have caused \$652 million in damages (\$921 million in \$2009).

Legal Basis: Section 563 of the 2008 Consolidated Appropriations Act, Subtitle J – Secure Handling of Ammonium Nitrate, PL 110-161, authorizes and requires this rulemaking.

Alternatives: The Department of Homeland Security is required by statute to publish regulations implementing the Secure Handling of Ammonium Nitrate Act. As part of its notice of proposed rulemaking, the Department will seek public comment on the numerous alternative ways in which the final Secure Handling of Ammonium Nitrate Program could carry out the requirements of the Secure Handling of Ammonium Nitrate Act.

**Costs and Benefits:** There will be costs to ammonium nitrate (AN) purchasers, including farms, fertilizer mixers, farm supply wholesalers and coops, golf courses, landscaping services, explosives distributors, mines, retail garden centers, and lab supply wholesalers. There will also be costs to AN sellers, such as ammonium nitrate fertilizer and explosive manufacturers, fertilizer mixers, farm supply wholesalers and coops, retail garden center, explosives distributors, fertilizer applicator services, and lab supply wholesalers. Costs will relate to the point of sale requirements, registration activities, recordkeeping, inspections/audits, and reporting of theft or loss. DHS plans to provide an initial regulatory flexibility analysis, which covers the populations and cost impacts on small business. Because the value of the benefits of reducing risk of a terrorist attack is a function of both the probability of an attack and the value of the consequence, it is difficult to identify the particular risk reduction associated with the implementation of this rule. When the proposed rule is published, DHS will provide a break even analysis. The program elements that would help achieve the risk reductions will be discussed in the break even analysis. These elements and related qualitative benefits include point of sale identification requirements and requiring individuals to be screened against the TSDB resulting in known bad actors being denied the ability to purchase ammonium nitrate.

**Risks:** Explosives containing ammonium nitrate are commonly used in terrorist attacks. Such attacks have been carried out both domestically and internationally. The 1995 Murrah Federal Building attack in Oklahoma City claimed the lives of 167 individuals and demonstrated firsthand to America how ammonium nitrate could be misused by terrorists. In addition to the Murrah Building attack, the Provisional Irish Republican Army used ammonium nitrate as part of its London, England bombing campaign in the early 1980s. More recently, ammonium nitrate was used in the 1998 East African Embassy bombings and in November 2003 bombings in Istanbul, Turkey. Additionally, since the events of 9/11, stores of ammonium nitrate have been confiscated during raids on terrorist sites around the world, including sites in Canada, England, India, and the Philippines. The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By preventing the misappropriation or use of ammonium nitrate in acts of terrorism, this rulemaking will support the Department's efforts to prevent terrorist attacks and to reduce the Nation's vulnerability to terrorist attacks. This rulemaking is complementary to other Department programs seeking to reduce the risks posed by terrorism, including the Chemical Facility Anti-terrorism Standards program (which seeks in part to prevent terrorists from gaining access to dangerous chemicals) and the Transportation Worker Identification Credential program (which seeks in part to prevent terrorists from gaining access to certain critical infrastructure), among other programs.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/29/2008	73 FR 64280
Correction	11/05/2008	73 FR 65783
ANPRM Comment Period End	12/29/2008	
NPRM	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Federalism: Yes

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA56

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Title: Petitions for Rulemaking, Amendment or Repeal

Abstract: The Administrative Procedure Act requires all agencies to allow members of the public to petition for the issuance of new rules or changes to or repeal of existing rules. Pursuant to that requirement, DHS is proposing a petition process for Departmental rulemaking actions.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 6 USC 101 et seq; 5 USC 553(e)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA34

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Title: Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT)

Abstract: DHS established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a series of legislative mandates requiring that DHS create an integrated automated entry-exit system that records the arrival and departure of aliens; verifies aliens' identities; and authenticates travel documents. This rule requires aliens to provide biometric identifiers at entry and upon departure at any air and sea port of entry at which facilities exist to collect such information.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 8 CFR 215.1; 8 CFR 231.4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184 to 1185 (pursuant to EO 13323); 8 USC 1221; 8 USC 1365a, 1365b; 8 USC 1379; 8 USC 1731 to 1732

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule establishes an exit system at all air and sea ports of departure in the United States. This rule requires aliens subject to United States Visitor and Immigrant Status Indicator Technology Program biometric requirements upon entering the United States to also provide biometric identifiers prior to departing the United States from air or sea ports of departure.

Legal Basis:

Alternatives: The proposed rule would require aliens who are subject to US-VISIT biometric requirements upon entering the United States to provide biometric information before departing from the United States at air and sea ports of entry. The rule proposed a performance standard for commercial air and vessel carriers to collect the biometric information and to submit this information to DHS no later than 24 hours after air carrier staff secure the aircraft doors on an international departure, or for sea travel, no later than 24 hours after the vessel's departure from a U.S. port. DHS is considering numerous alternatives based upon public comment on the alternatives in the NPRM. Alternatives included various points in the process, kiosks, and



varying levels of responsibility for the carriers and government. DHS may select another variation between the outer bounds of the alternatives presented or another alternative if subsequent analysis warrants.

**Costs and Benefits:** The proposed rule expenditure and delay costs for a ten-year period are estimated at \$3.5 billion. Alternative costs range from \$3.1 billion to \$6.4 billion. US-VISIT assessed seven categories of economic impacts other than direct expenditures. Of these two are economic costs: social costs resulting from increased traveler queue and processing time; and social costs resulting from increased flight delays. Ten-year benefits are estimated at \$1.1 billion. US-VISIT assessed seven categories of economic impacts other than direct expenditures. Of these five are benefits, which include costs that could be avoided, for each alternative: cost avoidance resulting from improved detection of aliens overstaying visas; cost avoidance resulting from improved U.S. Immigrations and Customs Enforcement (ICE) efficiency attempting apprehension of overstays; cost avoidance resulting from improved efficiency processing Exit/Entry data; improved compliance with NSEERS requirements due to the improvement in ease of compliance; and improved National Security Environment. These benefits are measured quantitatively or qualitatively.

**Risks:**

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/2008	73 FR 22065
NPRM Comment Period End	06/23/2008	
Final Rule	07/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Previously Reported as 1650-AA04

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Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA49

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**Title:** Homeland Security Acquisition Regulation (HSAR); Lead System Integrators

**Abstract:** The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation to include implementation of section 6405, The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110-28. The changes are planned to add new Lead System Integrator language to provide definitions, policies, prohibitions, and waiver processes for entities having a financial interest in elements of systems.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 48 CFR 3002; 48 CFR 3007; 48 CFR 3009; 48 CFR 3016; 48 CFR 3034; 48 CFR 3035; 48 CFR 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, PL 110-28

**Legal Deadline:** The deadline is established by section 6405 of Public Law 110-28. It requires DHS to update the Homeland Security Acquisition Regulations in order to specify fully in such regulations the matters with respect to lead system integrators set forth in section 6405.

Action	Source	Description	Date
Other	Statutory	Interim Rule	07/01/2007

## Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: Undetermined

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA58

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Title: Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances

Abstract: This rule proposes to clarify who is authorized to represent applicants and petitioners in proceedings before U.S. Citizenship and Immigration Services (USCIS) and to change the rules and procedures concerning the standards of professional conduct for attorneys and other practitioners who appear before the Department of Homeland Security (DHS) in immigration proceedings. Current regulations set forth who may represent individuals in immigration proceedings and also set forth the rules and procedures for imposing disciplinary sanctions against attorneys or other practitioners who engage in criminal, unethical, frivolous, or unprofessional conduct before DHS. The proposed revisions are necessary due to the creation of DHS and reflect the adjudication authority of immigration proceedings before both DHS and the United States Department of Justice, Executive Office for Immigration Review (EOIR). The changes proposed are intended to maintain the integrity of the adjudicatory processes for DHS by updating and improving the rules of professional conduct for practitioners.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 292 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101 and 1103; 8 USC 1291

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/2010	
Interim Final Rule Comment Period End	03/00/2010	

Additional Information: CIS 2446-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA01

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Title: Production or Disclosure of Official Information in Connection With Legal Proceedings

Abstract: This action establishes procedures governing the disclosure of information in connection with litigation and certain other types of proceedings.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 5.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 5 USC 552 to 552(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	01/27/2003	
Interim Final Rule	01/27/2003	68 FR 4070
Interim Final Rule Comment Period End	02/26/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA03

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Title: Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities

Abstract: This interim final rule establishes for the Department of Homeland Security, procedures for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department. The rule establishes standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individuals with handicaps and qualified individuals with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 15.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 29 USC 794

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	03/06/2003	68 FR 10886

Interim Final Rule Effective	04/07/2003	
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA04

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Title: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Abstract: This action establishes for the Department of Homeland Security procedures for effectuating title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these title IX regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 17.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 20 USC 1681 to 1683; 20 USC 1685 to 1688

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10892
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA05

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Title: Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance

Abstract: This action effectuates the provisions of title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Homeland Security.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 21.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 310; 42 USC 2000d to 2000d-7

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10904
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA12

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Title: Regulations Imposing Restrictions Upon Lobbying

Abstract: This interim final rule establishes those procedures necessary to fulfill departmental obligations to impose restrictions upon lobbying. Except to the extent a Department component has adopted separate guidance under 31 U.S.C. 1352, the provisions of this subpart shall apply to each component of the Department of Homeland Security (DHS). This regulation establishes procedures concerning general prohibitions on lobbying, and the use of certain appropriated funds, and the appropriate penalties for violations of those prohibitions. The purpose of the procedures is to ensure that neither the recipients of appropriated funds nor the employees of DHS inappropriately solicit for action by the Congress.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 9.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 31 USC 1352, PL 101-121

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	03/06/2003	

Interim Final Rule	03/06/2003	68 FR 10912
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA18

 [View Related Documents](#)

Title: Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations

Abstract: The Department of Homeland Security (DHS) is issuing regulations that will establish uniform administrative procedures for Federal grants and cooperative agreements and subawards to State, local, and Indian tribal governments and for Federal grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations. DHS is also issuing regulations setting audit requirements for State and local governments, and nonprofit organizations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 31 USC 503; 31 USC 1111; 41 USC 405; Reorganization Plan No 2 of 1970; EO 11541

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA23

 [View Related Documents](#)

Title: Collection of Nontax Debts Owed to the Department of Homeland Security

Abstract: This rule implements the Department of Homeland Security's (DHS) debt collection regulations to conform to the Debt Collection Act of 1982, Public Law 97-365, 96 Stat. 1749 (October 25, 1982), as amended by the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, 110 Stat. 1321, 1358 (April 26, 1996), the Federal Claims Collection Standards, 31 CFR chapter IX (parts 900 through 904), and other laws applicable to the collection of nontax debts owed to DHS entities. DHS adopts the Governmentwide debt collection standards promulgated by the Departments of the Treasury and Justice, known as the Federal Claims Collection Standards (FCCS), as revised on November 22, 2000 (65 FR 70390), and supplements the FCCS by prescribing procedures consistent with the FCCS, as necessary and appropriate for DHS operations. DHS entities may, but are not required to, promulgate additional policies and procedures consistent with this regulation, the FCCS, and other applicable Federal laws, policies, and procedures. This regulation also provides the procedures for the collection of debts owed to other Federal agencies when a request for offset is received by DHS. This regulation does not apply to the collection of tax debts, which is governed by the Internal Revenue Code of 1986 (26 U.S.C. et seq.), and regulations, policies, and procedures issued by the Internal Revenue Service or other Federal agency collecting tax debts. Nothing in this regulation precludes the use of collection remedies not contained in this regulation. For example, DHS entities may collect unused travel advances through offset of an employee's pay under 5 U.S.C. 5705. DHS entities and other Federal agencies may simultaneously use multiple collection remedies to collect a debt, except as prohibited by law.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 11.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296; 116 Stat 2135; 5 USC 301; 5 USC 5514; 26 USC 6402; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3718; 31 USC 3720A and 3720B; 31 USC 3720D; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	01/30/2007	
Interim Final Rule	01/30/2007	72 FR 4189
Interim Final Rule Comment Period End	03/01/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA40

 [View Related Documents](#)

Title: Nondiscrimination in Matters Pertaining to Faith-Based Organizations

Abstract: This rule implements Executive Branch policy that, consistent with constitutional church-state parameters, faith-based organizations compete on an equal footing with other organizations for Federal funding, and participate on an equal footing with other organizations in Federally-funded activities. This rulemaking is intended to ensure that the Department's programs are implemented in a manner consistent with the requirements of the First Amendment to the Constitution.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 19 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 13279; EO 13403

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	01/14/2008	73 FR 2187
NPRM Comment Period End	02/13/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Organizations

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA46

 [View Related Documents](#)

Title: Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

Abstract: The Department of Homeland Security proposes to issue a 2 CFR 3000 to implement the Office of Management and Budget (OMB) guidance on nonprocurement debarment and suspension. Through this proposed action, the Department of Homeland Security is joining the existing Governmentwide nonprocurement debarment and suspension system. Prior to the creation of the Department of Homeland Security, Agencies, or parts of Agencies, now located within DHS were already participating in that Governmentwide system.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 2 CFR 3000 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; PL 103-355, 108 Stat 3243

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	07/16/2009	74 FR 34495
Interim Final Rule Comment Period End	08/17/2009	
Interim Final Rule Effective	08/17/2009	

Additional Information: On August 31, 2005, OMB published guidelines (70 FR 51863), which provided that "Federal agencies must submit proposed regulations to OMB for review within nine months of the issuance of these guidelines and issue final regulations within 18 months of these guidelines." See 2 CFR 180.35. The eighteenth month occurred on February 28, 2007.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No



Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA53

 [View Related Documents](#)

Title: Department of Homeland Security (DHS) Human Resources Management System

Abstract: The Department of Homeland Security and the Office of Personnel Management are evaluating the status of final regulations that establish a new human resources management system within DHS, as authorized by the Homeland Security Act of 2002. The affected subsystems include those governing basic pay, classification, performance management, labor relations, adverse actions, and employee appeals. These changes were designed to ensure the Department's human resources management system aligns with its critical mission requirements without compromising the statutorily protected civil service rights of its employees.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 9701 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Notice	10/07/2008	73 FR 58435

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 3206-AK31; Previously Reported as 1601-AA21

Related Agencies: Joint: OPM

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA57

 [View Related Documents](#)

Title: Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition

Abstract: The American Recovery and Reinvestment Act of 2009, Public Law 111-5, section 604 (the Act), contains restrictions on the acquisition of certain foreign textile products on DHS contract actions entered into on or after August 16, 2009 with funds made available to DHS appropriated on or before February 17, 2009, the date of the Act. The Act requires that these funds may not be used for the procurement of certain textile products that are not grown, reprocessed, reused or produced in the United States. In order to implement the statutory requirement, DHS is amending the Homeland Security Acquisition Regulation to add implementing policy. The rule revises 48 CFR part 3025, Foreign Acquisitions, and part 3052, Solicitation Provisions and Contract Clauses, to limit acquisition of covered items under certain DHS acquisitions above the simplified acquisition threshold, unless DHS determines that such items qualify under one of the exceptions provided in the Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR 3025 and 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: The American Recovery and Reinvestment Act of 2009, PL 111-5 (Feb. 17, 2009), sec 604; 5 USC 301 and 302

Legal Deadline: The Department of Homeland Security (DHS) is amending its Homeland Security Acquisition Regulation (HSAR) parts 3025 and 3052 to reflect a statutory change limiting the acquisition of products containing textiles from sources outside the United States.

Action	Source	Description	Date
Other	Statutory		08/16/2009

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	08/17/2009	
Interim Final Rule	08/17/2009	74 FR 41346
Interim Final Rule Comment Period End	09/16/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA50

 [View Related Documents](#)

Title: Homeland Security Acquisition Regulation (HSAR); Agency Protests

Abstract: The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR) part 3033 to incorporate DHS policy on agency procurement protests. The proposed rule supplements the existing policy of the Federal Acquisition Regulations (FAR), part 33. In conjunction with incorporation of the supplemental policy, a prescribed clause is incorporated in HSAR part 3052.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR 3033; 48 CFR 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 41 USC 418b(a) and 418(b)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Withdrawn	08/25/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: Undetermined

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Department of Homeland Security (DHS)

Office of the Secretary ( OS )

RIN: 1601-AA55

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Title: Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony (HSAR Case 2009-001)

Abstract: DHS is amending the Homeland Security Acquisition Regulation (HSAR) to prohibit DHS from awarding a Federal Protective Service (FPS) contract for guard services to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony. The rule is necessary to implement the provisions of Public Law 110-356, the Federal Protective Service Guard Contracting Reform Act of 2008. The rule would implement this prohibition, identify which serious felonies may prohibit a contractor from being awarded a contract; require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances. The rule proposes that felonies which cast doubt on the integrity or business ethics of a business concern or are of a nature that is inconsistent with the mission of FPS will prohibit a business concern from being awarded an FPS contract for guard services.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR 3052.209-76 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-356, the Federal Protective Service Guard Contracting Reform Act of 2008

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	03/18/2009	74 FR 11512
NPRM Comment Period End	04/17/2009	
Final Action	11/16/2009	74 FR 58851
Final Action Effective	12/16/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Office of the Secretary ( OS )

RIN: 1601-AA59

 [View Related Documents](#)

Title: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes  
Abstract: The REAL ID Act of 2005 (the Act) prohibits Federal agencies, effective May 11, 2008, from accepting a driver's license or personal identification card for any official purpose unless the license or card has been issued by a State that is meeting the requirements set forth in the Act. The Act sets forth certain minimum standards applicable to the driver's license issuance process. Section 205(b) of the REAL ID Act authorizes the Secretary of Homeland Security to grant States extensions of time to meet the requirements of the Act if the State provides adequate justification for noncompliance. Pursuant to the Department of Homeland Security's REAL ID regulations, States seeking an extension of the date by which they must begin to comply with REAL ID requirements currently must submit a request for extension by October 11, 2009. This final rule changes that date to December 1, 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 37 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Division B-- REAL ID Act of 2005; The Emergency Supplemental Appropriations Act for Defense; The Global War on Terror and Tsunami Relief, 2005; PL 109-13, 119 Stat 231, 302 (May 11, 2005) (codified at 49 USC 30301 note)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	03/09/2007	72 FR 10820
NPRM Comment Period End	05/08/2007	
Final Rule	01/29/2008	73 FR 5272
Final Rule Effective	03/31/2008	
Final Rule Effective	09/28/2009	
Final Rule	09/28/2009	74 FR 49308

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Previously Reported as 1601-AA37

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA41

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Title: Asylum and Withholding Definitions

**Abstract:** This rule proposes to amend Department of Homeland Security regulations that govern asylum eligibility. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, the requirements for failure of State protection, and determinations about whether persecution is inflicted on account of a protected ground. This rule codifies long-standing concepts of the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. After the Board of Immigration Appeals published a decision on this issue in 1999, *Matter of R-A-*, Int. Dec. 3403 (BIA 1999), it became clear that the governing regulatory standards required clarification. The Department of Justice began this regulatory initiative by publishing a proposed rule addressing these issues in 2000.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

**Legal Deadline:** None

#### Regulatory Plan:

**Statement of Need:** This rule provides guidance on a number of key interpretive issues of the refugee definition used by adjudicators deciding asylum and withholding of removal (withholding) claims. The interpretive issues include whether persecution is inflicted on account of a protected ground, the requirements for establishing the failure of State protection, and the parameters for defining membership in a particular social group. This rule will aid in the adjudication of claims made by applicants whose claims fall outside of the rubric of the protected grounds of race, religion, nationality, or political opinion. One example of such claims which often fall within the particular social group ground concerns people who have suffered or fear domestic violence. This rule is expected to consolidate issues raised in a proposed rule in 2000 and to address issues that have developed since the publication of the proposed rule. This should provide greater stability and clarity in this important area of the law.

**Legal Basis:** The purpose of this rule is to provide guidance on certain issues that have arisen in the context of asylum and withholding adjudications. The 1951 Geneva Convention relating to the Status of Refugees (1951 Convention) contains the internationally accepted definition of a refugee. United States immigration law incorporates an almost identical definition of a refugee as a person outside his or her country of origin "who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 101(a)(42) of the Immigration and Nationality Act.

**Alternatives:** A sizable body of interpretive case law has developed around the meaning of the refugee definition. Historically, much of this case law has addressed more traditional asylum and withholding claims based on the protected grounds of race, religion, nationality, or political opinion. In recent years, however, the United States increasingly has encountered asylum and withholding applications with more varied bases, related, for example, to an applicant's gender or sexual orientation. Many of these new types of claims are based on the ground of "membership in a particular social group," which is the least well-defined of the five protected grounds within the refugee definition. On December 7, 2000, a proposed rule was published in the Federal Register providing guidance on the definitions of "persecution" and "membership in a particular social group." Prior to publishing a final rule, the Department will be considering how the nexus between persecution and a protected ground might be further conceptualized; how membership in a particular social group might be defined and evaluated; and what constitutes a State's inability or unwillingness to protect the applicant where the persecution arises from a non-State actor. This rule will provide guidance to the following adjudicators: USCIS asylum officers, Department of Justice Executive Office for Immigration Review (EOIR) immigration judges, and members of the EOIR Board of Immigration Appeals. The alternative to publishing this rule would be to allow the standards governing this area of law to continue to develop piecemeal through administrative and judicial precedent. This approach has resulted in inconsistent and confusing standards and the Department has therefore determined that promulgation of the final rule is necessary.

**Costs and Benefits:** By providing a clear framework for key asylum and withholding issues, we anticipate that adjudicators will have clear guidance, increasing administrative efficiency and consistency in adjudicating these cases. The rule will also promote a more consistent and predictable body of administrative and judicial precedent governing these types of cases. We anticipate that this will enable applicants to better assess their potential eligibility for asylum and to present their claims more efficiently when they believe that they may qualify, thus reducing the resources spent on adjudicating claims that do not qualify. In addition, a more consistent and predictable body of law on these issues will likely result in fewer appeals, both administrative and judicial, and reduce the associated litigation costs. The Department has no way of accurately predicting how this rule will impact the number of asylum applications filed in the US. Based on anecdotal evidence and on the reported experience of other nations that have adopted standards under which the results are similar to those we anticipate from this rule, we do not believe this rule will cause a large change in the number of asylum applications filed.

Risks: The failure to promulgate a final rule in this area presents significant risks of further inconsistency and confusion in the law. The government's interests in fair, efficient and consistent adjudications would be compromised.

Timetable:

Action	Date	FR Cite
NPRM	12/07/2000	65 FR 76588
NPRM	09/00/2010	
NPRM Comment Period End	11/00/2010	

Additional Information: CIS No. 2092-00 Transferred from RIN 1115-AF92

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA90

 [View Related Documents](#)

Title: Implementation of Amendments Affecting Petitions for Employment Creation for Aliens

Abstract: This rule proposes amendments to the regulations of the Department of Homeland Security to implement changes made by the 21st Century Department of Justice Appropriations Authorization of 2001. This legislation made various changes to the EB-5 alien immigrant classification.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 216; 8 CFR 245; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; ...

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		03/02/2003

Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	
NPRM Comment Period End	06/00/2010	

Additional Information: CIS No. 2253-03; Regulatory actions announced in 1115-AF27 are merged with this rulemaking. Transferred from RIN 1115-AG93

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB54

 [View Related Documents](#)

Title: Amendments to Regulatory Provisions Regarding Refugee and Asylee Relative Petitions

Abstract: This rule proposes to amend the Department of Homeland Security (DHS) regulations governing the adjudication of petitions for the spouses and children of refugees and asylees to join the principal refugee or asylee. These changes are intended to eliminate vulnerabilities in the current system by enabling DHS to examine the eligibility of beneficiaries and create a mechanism to suspend the petition while DHS seeks to verify the validity of the petitioner's underlying grant of asylum or refugee admission. The rule proposes to allocate jurisdiction over derivative asylum claims among U.S. Citizenship and Immigration Services and the Department of Justice, Executive Office for Immigration Review, and to clarify the distinction between approval of the petition and conveyance of status upon the beneficiary. The rule also proposes to amend the regulations to reflect changes in derivative eligibility following enactment of the Child Status Protection Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 207 to 209 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1157(c)(2); PL 107-208, sec 116 Stat 927

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2010	
NPRM Comment Period End	11/00/2010	

Additional Information: CIS No. 2372-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB57

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Title: Classification of Adopted Aliens as Children of United States Citizens Based on Adoptions That Are Not Governed by the Hague Convention

Abstract: This rule proposes to amend Department of Homeland Security (DHS) regulations relating to intercountry adoptions in cases that are not governed by the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 (Convention). First, the rule proposes amendments to the rules governing adoption cases under section 101(b)(1)(E) of the Immigration and Nationality Act (the Act). Second, it also proposes amendments to the rules governing the immigration of alien orphans under section 101(b)(1)(F) of the Act. These amendments are needed to clarify the rules for both case types, and to incorporate into the regulations recent statutory amendments. For the orphan cases, these amendments will also improve the ability to assure the protection of the best interests of alien orphans whose adoption is sought by U.S. citizens.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	06/00/2010	
NPRM Comment Period End	08/00/2010	

Additional Information: CIS No. 2406-07

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB71

 [View Related Documents](#)

Title: Registration Requirements for Employment-Based Categories Subject to Numerical Limitations

Abstract: The Department of Homeland Security is proposing to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes an electronic registration program for petitions subject to numerical limitations contained in the Immigration and Nationality Act (the Act). Initially, the program would be for the H-1B nonimmigrant classification; however, other nonimmigrant classifications will be added as needed. This action is necessary because the demand for H-1B specialty occupation workers by U.S. companies generally exceeds the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H-1B petitions.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1184(g)

Legal Deadline: None

## Regulatory Plan:

Statement of Need: U.S. Citizenship and Immigration Services (USCIS) proposes to establish a mandatory Internet-based electronic registration process for U.S. employers seeking to file H-1B petitions for alien workers subject to either the 65,000 or 20,000 caps. This registration process would allow U.S. employers to electronically register for consideration of available H-1B cap numbers. The mandatory proposed registration process will alleviate administrative burdens on USCIS service centers and eliminate the need for U.S. employers to needlessly prepare and file H-1B petitions without any certainty that an H-1B cap number will ultimately be allocated to the beneficiary named on that petition.

Legal Basis: Section 214(g) of the Immigration and Nationality Act provides limits on the number of alien temporary workers who may be granted H-1B nonimmigrant status each fiscal year (commonly known as the "cap"). USCIS has responsibility for monitoring the requests for H-1B workers and administers the distribution of available H-1B cap numbers in light of these limits.



**Alternatives:** To ensure a fair and orderly distribution of H-1B cap numbers, USCIS evaluated its current random selection process, and has found that when it receives a significant number of H-1B petitions within the first few days of the H-1B filing period, it is extremely difficult to handle the volume of petitions received in advance of the H-1B random selection process. Further, the current petition process of preparing and mailing H-1B petitions, with the required filing fee, can be burdensome and costly for employers, if the petition is returned because the cap was reached and the petition was not selected in the random selection process. Accordingly, this rule proposes to implement a new process to allow U.S. employers to electronically register for consideration of available H-1B cap numbers without having to first prepare and submit the petition.

**Costs and Benefits:**

**Risks:** There is a risk that a petitioner will submit multiple petitions for the same H-1B beneficiary so that the U.S. employer will have a better chance of his or her petition being selected. Accordingly, should USCIS receive multiple petitions for the same H-1B beneficiary by the same petitioner, the system will only accept the first petition and reject the duplicate petitions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2010	
NPRM Comment Period End	05/00/2010	

**Additional Information: 2443-08**

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB72

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**Title:** Documents and Receipts Acceptable for Employment Eligibility Verification

**Abstract:** This rule proposes amendments to regulations governing the types of acceptable identity and employment authorization documents and receipts that employees may present to their employers for completion of the Form I-9, Employment Eligibility Verification. This rule also proposes removing several documents that are not State-issued from the list of documents acceptable for proof of identity (List B documents). The effect of the proposed changes would be to improve the integrity of the employment eligibility verification process by simplifying the list of acceptable documents for ease of use by employers, ensuring that the list contains secure and fraud-resistant documents, and adding safeguards to the verification process.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

Legal Deadline: None

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/2010	
NPRM Comment Period End	10/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: Business

Federalism: No

Energy Affected: No  
Related RINs: Related to 1615-AB69  
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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB80

 [View Related Documents](#)

Title: Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule

Abstract: This rule will adjust the fee schedule for U.S. Citizenship and Immigration Services (USCIS) immigration and naturalization benefit applications and petitions, including nonimmigrant applications and visa petitions. These fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. USCIS is revising these fees because the current fee schedule does not adequately recover the full costs of services provided by USCIS. Without an adjustment of the fee schedule, USCIS cannot provide adequate capacity to process all applications and petitions in a timely and efficient manner. The fee review is undertaken pursuant to the requirements of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901-03. The CFO Act requires each agency's Chief Financial Officer (CFO) to "review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value." Id. at 902(a)(8). This rule will reflect recommendations made by the DHS CFO and USCIS CFO, as required under the CFO Act.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1356(m)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	
NPRM Comment Period End	07/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB81

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Title: Special Immigrant Juvenile Petitions

Abstract: This rule makes procedural changes and resolves interpretive issues following the amendments mandated by Congress. It will enable juvenile aliens who have been abused, neglected, or abandoned and placed in State custody by a juvenile court, to obtain special immigrant status. Such status will enable these juveniles to be placed into more stable environment.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 205; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB82



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Title: Preference Alien Registration of Intention To Apply for Adjustment of Status; Pre-Filing of Certain Applications

Abstract: This proposed rule would amend the Department of Homeland Security (DHS) regulations governing how U.S. Citizenship and Immigration Services (USCIS) would accept and process an Application to Register Permanent Residence or Adjust Status, Form I-485. This proposed rule would discontinue the concurrent filing process for employment-based adjustment of status applicants. In addition, it would require that an alien seeking to immigrate based upon a classification that is subject to numerical limitations, must be the beneficiary of an approved immigrant petition prior to proceeding through a revised adjustment of status process. This proposed rule is intended to streamline the overall adjustment of status process, as well as mitigate visa retrogression through improved estimation of immigrant visa availability.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 209; 8 CFR 245; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1255(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2010	

Additional Information: CIS 2476-09

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA03

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Title: Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children

Abstract: In 1996, the Immigration and Naturalization Service published an interim rule on this subject at 61 FR 13061. The USCIS, formerly the Immigration and Naturalization Service, received a number of comments in response to that rulemaking. Most of those comments have since been overcome by events, namely new legislation. In October 2000, the President signed the Victims of Trafficking and Violence Protection Act, Public Law 106-386, which contained numerous amendments to the battered spouse provisions contained in the Immigration and Nationality Act (INA). More recently, the Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109-162 (January 5, 2006), made further amendments to the battered spouse provisions of the INA. The Department issued another interim final rule to make the changes required by the recent legislation and to provide an opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 205; 8 CFR 216; 8 CFR 245; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/26/1996	
Interim Final Rule	03/26/1996	61 FR 13061
Interim Final Rule Comment Period End	05/28/1996	
Interim Final Rule	11/00/2010	
Interim Final Rule Comment Period End	01/00/2011	

Additional Information: New CIS No. 2442-08 CIS No. 1705-95 Transferred from RIN 1115-AE04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA29

 [View Related Documents](#)

Title: Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents

Abstract: Enacted on November 10, 1986, the Immigration Marriage Fraud Amendments of 1986 (IMFA), made a number of changes to the Immigration and Nationality Act (Act) to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than 2 years' duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on May 16, 1991, also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This final rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and addresses comments received in response to the interim rule published on May 16, 1991.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 216; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/1991	56 FR 22635
Final Action	06/00/2010	

Additional Information: Interim Rule for CIS No. 1423-91 published on May 16, 1991. Transferred from RIN 1115-AF59

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA42

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Title: Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence

Abstract: This final rule amends regulations of the Department of Homeland Security to provide an exception from the general prohibition against approval of immigration benefits based upon a marriage entered into during removal proceedings. The rule creates a good faith exception to the prohibition. This final rule completes the regulatory implementation of the Immigration Act of 1990.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/1991	56 FR 28311
Interim Final Rule Comment Period End	07/20/1991	
Final Action	06/00/2010	

Additional Information: See CIS No. 1419-91 Transferred from RIN 1115-AF94

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA53

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Title: Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification

Abstract: Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad that obtain the V nonimmigrant visa from the Department of State may work and reside in the United States on the basis of the V classification until they can apply for adjustment of status to that of lawful permanent resident. Certain eligible spouses and children of lawful permanent residents already present in the United States may be granted V classification until they can apply to adjust status to that of lawful permanent resident.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 204 and 205; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1102; PL 106-553

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/07/2001	
Interim Final Rule	09/07/2001	66 FR 46697
Interim Final Rule Comment Period End	11/06/2001	
Final Action	06/00/2010	

Additional Information: CIS No. 2117-01 Transferred from RIN 1115-AG08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA59

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Title: New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status

Abstract: T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Department of Homeland Security and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, made amendments to the T nonimmigrant status provisions of the Immigration and Naturalization Act. The Department will issue another interim final rule to make the changes required by recent legislation and to provide the opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224 to 1227; 8 USC 1252 to 1252a; 22 USC 7101; 22 USC 7105; ...

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: T nonimmigrant status is available to eligible victims of severe forms of trafficking in persons who have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons, and who can demonstrate that they would suffer extreme hardship involving unusual and severe harm if removed from the United States. This rule addresses the essential elements that must be demonstrated for classification as a T nonimmigrant alien; the procedures to be followed by applicants to apply for T nonimmigrant status; and evidentiary guidance to assist in the application process.

Legal Basis: Section 107(e) of the Trafficking Victims Protection Act (TVPA), Public Law 106-386, established the T classification to create a safe haven for certain eligible victims of severe forms of trafficking in persons, who assist law enforcement authorities in investigating and prosecuting the perpetrators of these crimes.

Alternatives: To develop a comprehensive Federal approach to identifying victims of severe forms of trafficking in persons, to provide them with benefits and services, and to enhance the Department of Justice's ability to prosecute traffickers and prevent trafficking in persons in the first place, a series of meetings with stakeholders were conducted with representatives from key Federal agencies; national, state, and local law enforcement associations; non-profit, community-based victim rights organizations; and other groups. Suggestions from these stakeholders were used in the drafting of this regulation.

Costs and Benefits: There is no cost associated with this regulation. Applicants for T nonimmigrant status do not pay application or biometric fees. The anticipated benefits of these expenditures include: Assistance to trafficked victims and their families, prosecution of traffickers in persons, and the elimination of abuses caused by trafficking activities. Benefits which may be attributed to the implementation of this rule are expected to be: 1. An increase in the number of cases brought forward for investigation and/or prosecution; 2. Heightened awareness by the law enforcement community of trafficking in persons; 3. Enhanced ability to develop and work cases in trafficking in persons cross-organizationally and multi-jurisdictionally, which may begin to influence changes in trafficking patterns.

Risks: There is a 5,000-person limit to the number of individuals who can be granted T-1 status per fiscal year. Eligible

applicants who are not granted T-1 status due solely to the numerical limit will be placed on a waiting list to be maintained by U.S. Citizenship and Immigration Services (USCIS). To protect T-1 applicants and their families, USCIS will use various means to prevent the removal of T-1 applicants on the waiting list, and their family members who are eligible for derivative T status, including its existing authority to grant deferred action, parole, and stays of removal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/2002	67 FR 4784
Interim Final Rule Effective	03/04/2002	
Interim Final Rule Comment Period End	04/01/2002	
Interim Final Rule	09/00/2010	

Additional Information: CIS No. 2132-01; AG Order No. 2554-2002 There is a related rulemaking, CIS No. 2170-01, the new U nonimmigrant status (RIN 1615-AA67). Transferred from RIN 1115-AG19

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No

Government Levels Affected: Federal; State  
Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA60

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Title: Adjustment of Status to Lawful Permanent Resident for Aliens in T and U Nonimmigrant Status

Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking who have been granted T nonimmigrant status and victims of certain criminal activity who have been granted U nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, Victims of Trafficking and Violence Protection Act of 2000, and Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, made amendments to the T nonimmigrant status provisions of the Immigration and Naturalization Act. The Department will issue another interim final rule to make the changes required by recent legislation and to provide the opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224 to 1227; 8 USC 1252 to 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105

Legal Deadline: None

Regulatory Plan:

Statement of Need: This regulation is necessary to permit aliens in lawful T or U nonimmigrant status to apply for adjustment of status to that of lawful permanent residents. T nonimmigrant status is available to aliens who are victims of a severe form of trafficking in persons and who are assisting law enforcement in the investigation or prosecution of the acts of trafficking. U nonimmigrant status is available to aliens who are victims of certain crimes and are being helpful to the investigation or prosecution of those crimes.

Legal Basis: This rule implements the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386, 114 Stat. 1464 (Oct. 28, 2000), as amended, to permit aliens in lawful T or U nonimmigrant status to apply for adjustment of status to that of lawful permanent residents.



**Alternatives:** USCIS did not consider alternatives to managing T and U applications for adjustment of status. Ease of administration dictates that adjustment of status applications from T and U nonimmigrants would be best handled on a first in, first out basis, because that is the way applications for T and U status are currently handled.

**Costs and Benefits:** USCIS uses fees to fund the cost of processing applications and associated support benefits. The fees to be collected resulting from this rule will be approximately \$3 million dollars in the first year, \$1.9 million dollars in the second year, and an average about \$32 million dollars in the third and subsequent years. To estimate the new fee collections to be generated by this rule, USCIS estimated the fees to be collected for new applications for adjustment of status from T and U nonimmigrants and their eligible family members. After that, USCIS estimated fees from associated applications that are required such as biometrics, and others that are likely to occur in direct connection with applications for adjustment, such as employment authorization or travel authorization. The anticipated benefits of these expenditures include: Continued assistance to trafficked victims and their families, increased investigation and prosecution of traffickers in persons, and the elimination of abuses caused by trafficking activities. Benefits that may be attributed to the implementation of this rule are expected to be: 1. An increase in the number of cases brought forward for investigation and/or prosecution; 2. Heightened awareness of trafficking-in-persons issues by the law enforcement community; and 3. Enhanced ability to develop and work cases in trafficking in persons cross-organizationally and multi-jurisdictionally, which may begin to influence changes in trafficking patterns.

**Risks:** Congress created the U nonimmigrant status ("U visa") to provide immigration protection to crime victims who assist in the investigation and prosecution of those crimes. Although there are no specific data on alien crime victims, statistics maintained by the Department of Justice have shown that aliens, especially those aliens without legal status, are often reluctant to help in the investigation or prosecution of crimes. U visas are intended to help overcome this reluctance and aid law enforcement accordingly.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/12/2008	73 FR 75540
Interim Final Rule Effective	01/12/2009	
Interim Final Rule Comment Period End	02/10/2009	
Interim Final Rule	09/00/2010	

**Additional Information:** CIS No. 2134-01 Transferred from RIN 1115-AG21

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
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Government Levels Affected: No  
Federalism: No

Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA67

 [View Related Documents](#)

**Title:** New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status

**Abstract:** This rule sets forth application requirements for a new nonimmigrant status. The U classification is for non-U.S. Citizen/Lawful Permanent Resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per year. This rule establishes the procedures to be followed in order to petition for the U nonimmigrant classifications. Specifically, the rule addresses the essential elements that must be demonstrated to receive the nonimmigrant classification; procedures that must be followed to make an application and evidentiary guidance to assist in the petitioning process. Eligible victims will be allowed to remain in the United States. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, made amendments to the T nonimmigrant status provisions of the Immigration and Naturalization Act. The Department will issue another interim final rule to make the changes required by recent legislation and to provide the opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; ...

Legal Deadline: Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005

Action	Source	Description	Date
Other	Statutory	Regulations need to be promulgated by July 5, 2006	01/05/2006

## Regulatory Plan:

Statement of Need: This rule provides requirements and procedures for aliens seeking U nonimmigrant status. U nonimmigrant classification is available to alien victims of certain criminal activity who assist government officials in the investigation or prosecution of that criminal activity. The purpose of the U nonimmigrant classification is to strengthen the ability of law enforcement agencies to investigate and prosecute such crimes as domestic violence, sexual assault, and trafficking in persons, while offering protection to alien crime victims in keeping with the humanitarian interests of the United States

Legal Basis: Congress created the U nonimmigrant classification in the Battered Immigrant Women Protection Act of 2000 (BIWPA). Congress intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes, while offering protection to victims of such crimes. Congress also sought to encourage law enforcement officials to better serve immigrant crime victims.

Alternatives: USCIS has identified four alternatives, the first being chosen for the rule: 1. USCIS would adjudicate petitions on a first in, first out basis. Petitions received after the limit has been reached would be reviewed to determine whether or not they are approvable but for the numerical cap. Approvable petitions that are reviewed after the numerical cap has been reached would be placed on a waiting list and written notice sent to the petitioner. Priority on the waiting list would be based upon the date on which the petition is filed. USCIS would provide petitioners on the waiting list with interim relief until the start of the next fiscal year in the form of deferred action, parole, or a stays of removal. 2. USCIS would adjudicate petitions on a first in, first out basis, establishing a waiting list for petitions that are pending or received after the numerical cap has been reached. Priority on the waiting list would be based upon the date on which the petition was filed. USCIS would not provide interim relief to petitioners whose petitions are placed on the waiting list. 3. USCIS would adjudicate petitions on a first in, first out basis. However, new filings would be reviewed to identify particularly compelling cases for adjudication. New filings would be rejected once the numerical cap is reached. No official waiting list would be established; however, interim relief until the start of the next fiscal year would be provided for some compelling cases. If a case was not particularly compelling, the filing would be denied or rejected. 4. USCIS would adjudicate petitions on a first in, first out basis. However, new filings would be rejected once the numerical cap is reached. No waiting list would be established, nor would interim relief be granted.

Costs and Benefits: USCIS estimates the total annual cost of this interim rule to be \$6.2 million. This cost includes the biometric services fee that petitioners must pay to USCIS, the opportunity cost of time needed to submit the required forms, the opportunity cost of time required for a visit to an Application Support Center, and the cost of traveling to an Application Support Center. This rule will strengthen the ability of law enforcement agencies to investigate and prosecute such crimes as domestic violence, sexual assault, and trafficking in persons, while offering protection to alien crime victims in keeping with the humanitarian interests of the United States.

Risks: In the case of witness tampering, obstruction of justice, or perjury, the interpretive challenge for USCIS was to determine whom the BIWPA was meant to protect, given that these criminal activities are not targeted against a person. Accordingly it was determined that a victim of witness tampering, obstruction of justice, or perjury is an alien who has been directly and proximately harmed by the perpetrator of one of these three crimes, where there are reasonable grounds to conclude that the perpetrator principally committed the offense as a means: (1) to avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring him or her to justice for other criminal activity; or (2) to further his or her abuse or exploitation of, or undue control over, the alien through manipulation of the legal system.

## Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/2007	72 FR 53013
Interim Final Rule Effective	10/17/2007	
Interim Final Rule Comment Period End	11/17/2007	
Interim Final Rule	09/00/2010	

Additional Information: Transferred from RIN 1115-AG39

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
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Government Levels Affected: Federal; Local; State  
Federalism: No

Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA83

 [View Related Documents](#)

Title: Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits

Abstract: This rule amends DHS regulations concerning the acceptance of electronic signatures on applications and petitions for immigration and naturalization benefits. The change is necessary to allow the Department to begin accepting electronically filed applications and petitions as required by law. By accepting electronically filed applications and petitions, the Department expects to streamline its information collection process, improve customer service, and move toward fulfilling the mandates of the Government Paperwork Elimination Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; ...

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Public Law 105-277	09/00/2003

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/2003	68 FR 23009
Interim Final Rule Effective	05/29/2003	
Final Action	01/00/2010	

Additional Information: CIS No. 2224-02 Transferred from RIN 1115-AG79

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
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Government Levels Affected: No  
Federalism: No

Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB35

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Title: Interpretation at Asylum Interviews

Abstract: Section 208(d)(5)(B), Authority to Apply for Asylum, under the Immigration and Nationality Act, gives the Secretary the authority to provide by regulation any conditions in consideration of an asylum application. Current regulations require the asylum applicant to bring their interpreter to the asylum interview if the applicant is unable to speak English. This proposed rule would change that condition by requiring USCIS to provide interpreter services for applicants unable to speak English. This rule is necessary to help prevent misunderstanding of genuine asylum seekers' claims due to poor translation.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/2010	
Interim Final Rule Comment Period End	08/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB36

 [View Related Documents](#)

Title: Application Process for Replacing Forms I-551 Without an Expiration Date

Abstract: The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), issues Alien Registration Receipt Cards I-551 to lawful permanent residents to serve as evidence of immigration status, registration, identity and employment authorization, and as an entry document upon return from a trip outside the United States. Currently there is a population of lawful permanent residents who possess cards that do not have expiration dates. USCIS will be terminating the validity of Forms I-551 that do not have expiration dates. This rule establishes a 120-day period for aliens with Forms I-551 that do not bear expiration dates to apply for replacement cards. This rule also amends the regulations to remove references to outdated application procedures for the I-551. The application process required by this rule will enable USCIS to issue more secure Forms I-551 to affected aliens, update cardholder information, conduct background checks, and electronically store applicants' biometric information that can be used for biometric comparison and authentication purposes consistent with the goals of the Enhanced Border Security and Visa Entry Reform Act of 2002. In addition, this rule establishes the mechanism by which USCIS will notify the public of the termination date for Forms I-551 that do not have expiration dates. This rule also amends the regulations to add two documents to the list of forms that constitute evidence of registration: Receipt for the Form I-90, Application to Replace Permanent Resident Card, and Receipt for pending Form N-400, Application for Naturalization. Finally, this rule amends the regulations to correct the title and edition date of Form I-551 and Form I-90.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 211; 8 CFR 245 and 246; 8 CFR 264; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 5 USC 552 to 552a; 8 USC 1101

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	08/22/2007	72 FR 46922
NPRM Comment Period End	09/21/2007	
Final Rule	10/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB69

 [View Related Documents](#)

Title: Documents and Receipts Acceptable for Employment Eligibility Verification

Abstract: This final rule adopts as final, without change, an interim rule published on December 17, 2008, by the Department of Homeland Security (DHS) at 73 FR 76505 (with the correction published on January 16, 2009 at 74 FR 2838) that amends the regulations governing the types of acceptable identity and employment authorization documents and receipts that employees may present to employers for completion of Form I-9, Employment Eligibility Verification. Under the interim rule, employers could no longer accept expired documents. The interim rule also added a new document to the list of acceptable documents that evidence both identity and employment authorization and made several technical corrections and updates.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/2008	73 FR 76505
Interim Final Rule Comment Period End	02/02/2009	
Interim Final Rule Comment Period Extended	02/02/2009	74 FR 5899
Interim Final Rule; Correction	03/11/2009	74 FR 10455
Interim Final Rule; Correction	04/03/2009	74 FR 10455
Interim Final Rule Comment Period End	04/03/2009	
Interim Final Rule Effective	04/03/2009	
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Previously Reported as 1115-AE94; Merge with 1615-AA01; Related to 1615-AB72

Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB75

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Title: Commonwealth of the Northern Mariana Islands Transitional Nonimmigrant Investor Classification

Abstract: On May 8, 2008, Public Law 110-229, Commonwealth Natural Resources Act, established a transitional period for the application of the Immigration and Nationality Act (INA) to the Commonwealth of the Northern Mariana Islands (CNMI). Although the CNMI is subject to most U.S. laws, the CNMI has administered its own immigration system under the terms of its 1976 covenant with the United States. The Department of Homeland Security is proposing to amend its regulations by creating a new E2 CNMI Investor classification for the duration of the transition period. These temporary provisions are necessary to reduce the potential harm to the CNMI economy before these foreign workers and investors are required to convert into U.S. immigrant or nonimmigrant visa classifications.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a

Legal Deadline: None

**Regulatory Plan:**

Statement of Need: This final rule responds to a Congressional mandate that requires the Federal Government to assume responsibility for visas for entry to CNMI by foreign investors.

**Legal Basis:****Alternatives:**

Costs and Benefits: Public Costs: This rule reduces the employer's annual cost by \$200 per year (\$500 - \$300), plus any further reduction caused by eliminating the paperwork burden associated with the CNMI's process. In 2006 - 2007, there were 464 long-term business entry permit holders and 20 perpetual foreign investor entry permit holders and retiree investor permit holders, totaling 484, or approximately 500 foreign registered investors. The total savings to employers from this rule is thus expected to be \$100,000 per year (\$500 x \$200). Cost to the Federal Government: The yearly Federal Government cost is estimated at \$42,310. Benefits: The potential abuse of the visa system by those seeking to illegally emigrate from the CNMI to Guam or elsewhere in the United States reduces the integrity of the United States immigration system by increasing the ease by which aliens may unlawfully enter the United States through the CNMI. Federal oversight and regulations of CNMI foreign investors should help reduce abuse by foreign employees in the CNMI, and should help reduce the opportunity for aliens to use the CNMI as an entry point into the United States.

**Risks:****Timetable:**

Action	Date	FR Cite
NPRM	09/14/2009	74 FR 46938
NPRM Comment Period End	10/14/2009	
Final Action	03/00/2010	

Additional Information: CIS No. 2458-08

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Local; State

Federalism: No  
Energy Affected: No  
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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB76

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Title: Commonwealth of the Northern Mariana Islands Transitional Workers Classification

Abstract: The Department of Homeland Security (DHS) is creating a new, temporary, Commonwealth of the Northern Mariana Islands (CNMI)-only transitional worker classification (CW classification) in accordance with title VII of the Consolidated Natural Resources Act of 2008 (CNRA). The transitional worker program is intended to provide for an orderly transition from the CNMI permit system to the U.S. federal immigration system under the Immigration and Nationality Act (INA). A CW transitional worker is an alien worker who is ineligible for another classification under the INA and who performs services or labor for an employer in the CNMI. The CNRA imposes a five-year transition period before the INA requirements become fully applicable in the CNMI. The new CW classification will be in effect for the duration of that transition period, unless extended by the Secretary of Labor. The rule also establishes employment authorization incident to CW status.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214.2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-229

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: Title VII of the Consolidated Natural Resources Act of 2008 (CNRA) created a new, temporary, Commonwealth of the Northern Mariana Islands (CNMI)-only transitional worker classification. The transitional worker program is intended to provide for an orderly transition from the CNMI permit system to the U.S. federal immigration system under the Immigration and Nationality Act.

#### Legal Basis:

#### Alternatives:

Costs and Benefits: Each of the estimated 22,000 CNMI transitional workers will be required to pay a \$320 fee per year, for an annualized cost to the affected public of \$7 million. However, since these workers will not have to pay CNMI fees, the total present value costs of this rule are a net cost savings ranging from \$9.8 million to \$13.4 million depending on the validity period of CW status (1 or 2 years), whether out-of-status aliens present in the CNMI are eligible for CW status, and the discount rate applied. The intended benefits of the rule include improvements in national and homeland security and protection of human rights.

#### Risks:

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/2009	74 FR 55094
Interim Final Rule Comment Period End	11/27/2009	
Final Action	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Federalism: No

Energy Affected: No



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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB77

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Title: Revisions to Federal Immigration Regulations for the Commonwealth of the Northern Mariana Islands; Conforming Regulations

Abstract: The Department of Homeland Security (DHS) and the Department of Justice (DOJ) are implementing conforming amendments to their respective regulations to comply with the Consolidated Natural Resources Act (CNRA) of 2008. The CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). This rule amends the regulations governing asylum and credible fear of persecution determinations; references to the geographical "United States" and its territories and possessions; alien classifications authorized for employment; documentation acceptable for Form I-9, Employment Eligibility Verification (Form I-9); employment of unauthorized aliens; and adjustment of status of immediate relatives admitted under the Guam-CNMI Visa Waiver Program. Additionally, this rule makes a technical change to correct a citation error in the regulations governing the Visa Waiver Program and the regulations governing asylum and withholding of removal. The purpose of this rule is to ensure that the regulations apply to persons and entities arriving in or physically present in the CNMI to the extent authorized by the CNRA.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208 and 209; 8 CFR 214 and 215; 8 CFR 217; 8 CFR 235; 8 CFR 248; 8 CFR 264; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-229

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Consolidated Natural Resources Act (CNRA) of 2008	11/28/2009

## Regulatory Plan:

Statement of Need: The Department of Homeland Security (DHS) and the Department of Justice (DOJ) are implementing conforming amendments to their respective regulations to comply with the Consolidated Natural Resources Act of 2008 (CNRA). The CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). This rule amends the regulations governing: asylum and credible fear of persecution determinations; references to the geographical "United States" and its territories and possessions; alien classifications authorized for employment; documentation acceptable for Employment Eligibility Verification; employment of unauthorized aliens; and adjustment of status of immediate relatives admitted under the Guam-CNMI Visa Waiver Program. Additionally, this rule makes a technical change to correct a citation error in the regulations governing the Visa Waiver Program and the regulations governing asylum and withholding of removal.

Legal Basis:

Alternatives:

Costs and Benefits: The stated goals of the CNRA are to ensure effective border control procedures, to properly address national security and homeland security concerns by extending U.S. immigration law to the CNMI, and to maximize the CNMI's potential for future economic and business growth. While those goals are expected to be partly facilitated by the changes made in this rule, they are general and qualitative in nature. There are no specific changes made by this rule with sufficiently identifiable direct or indirect economic impacts so as to be quantified.

Risks:

Timetable:

Action	Date	FR Cite
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Interim Final Rule	10/28/2009	74 FR 55725
Interim Final Rule Comment Period End	11/27/2009	
Final Action	10/00/2010	

Additional Information: CIS 2460-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB79

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Title: Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands

Abstract: The Child Soldier Accountability Act of 2008 (CSAA) establishes a criminal offense for the recruitment or use of child soldiers, and also establishes grounds of inadmissibility and removability for aliens who have engaged in such recruitment or use. Additionally, the CSAA requires the Attorney General and Secretary of Homeland Security (Secretary), within 60 days of the CSAA's enactment, to promulgate a final rule establishing that aliens subject to these grounds of inadmissibility or deportability shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime. The Departments of Homeland Security (DHS) and Justice (DOJ) therefore are amending their companion immigration regulations to specify that aliens who are inadmissible or deportable for recruitment or use of child soldiers are considered ineligible for asylum and withholding of removal due to the serious nonpolitical crime bar.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208; 8 CFR 1208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-340

Legal Deadline: CSAA Pub. L. 110-340. CSAA requires the Attorney General and Secretary of Homeland Security (Secretary), within 60 days of the CSAA's enactment, to promulgate a final rule establishing that aliens subject to these grounds of inadmissibility or deportability shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.

Action	Source	Description	Date
Other	Statutory	CSAA Pub. L. 110-340	12/02/2008

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/2010	
Interim Final Rule Comment Period End	03/00/2010	

Additional Information: CIS 2467-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related Agencies: Joint : DOJ

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB83

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Title: Immigration Benefits Business Transformation, Increment I

Abstract: U.S. Citizenship and Immigration Services (USCIS) is beginning a phased multi-year business transformation initiative to restructure its business processes and related information technology systems. This will enable USCIS to migrate from a paper forms-based, non-integrated systems environment to an electronic customer-focused, centralized case management environment for benefit processing. The Department of Homeland Security (DHS) is amending its regulations to accommodate this transformation initiative. This initiative will allow USCIS to streamline benefit processing, eliminate the capture and processing of redundant data and automate and reduce the number of its forms.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 103; 8 CFR 208; 8 CFR 209 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; PL 107-296, sec 2135; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	12/00/2009	

Additional Information: CIS #2481-09

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB85

 [View Related Documents](#)

Title: Naturalization for Certain Persons in the U.S. Armed Forces

Abstract: This rule amends the Department of Homeland Security (DHS) regulations by reducing from 3 years to 1 year the length of time a member of the United States Armed Forces has to serve to qualify for naturalization through service in the Armed Forces. In addition, this rule amends the regulations to include as eligible for naturalization individuals who served or are serving as members of the Selected Reserve of the Ready Reserve of the U.S. Armed Forces during specified periods of hostility. Finally, this rule amends the regulations to remove the requirement to submit Form G 325B, Biographic Information,

with Form N-400, Application for Naturalization, for applicants applying for naturalization through service in the U.S. Armed Forces. The rule is intended to make changes required under sections 328 and 329 of the Immigration and Nationality Act (INA) regarding the length of time a member of the U.S. Armed Forces has to serve, as well as the type of Armed Forces membership required, in order to qualify for naturalization through military service. This rule also is intended to reduce the response burden and amount of time it takes Armed Forces members to complete the paperwork required with a naturalization application.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 328; 8 CFR 329 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-136

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	01/00/2010	

Additional Information: CIS No. 2479-09

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA05

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Title: Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits

Abstract: Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception that allows aliens who are "lawfully present in the United States" to receive Social Security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term "lawfully present" in other benefit-related contexts as well. The Department of Justice published an interim final rule on September 6, 1996, which amended then-Immigration and Naturalization Service regulations to define the term "an alien who is lawfully present in the United States" so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act. DHS now plans to issue a final rule to complete the rulemaking action.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552 and 552a; 8 USC 1101 and 1103; 8 USC 1201; 8 USC 1252 note and 1252B; 8 USC 1304 and 1356; 31 USC 9701

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	09/06/1996	61 FR 47039
Interim Final Rule Comment Period End	11/05/1996	

Additional Information: CIS No. 1792-96 Transferred from RIN 1115-AE51

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA12

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Title: Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status

Abstract: The Department has issued numerous policy statements regarding its position on employment authorization, advance parole, and extension of nonimmigrant status for certain skilled nonimmigrant workers who have filed for adjustment to permanent resident status. This interim final rule codifies existing DHS policy statements by incorporating them into the Department's regulations, and eliminates the requirement for permission for overseas travel for adjustment applicants who are maintaining H-1 or L nonimmigrant status. The Department is publishing a final rule in response to public comments.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 CFR 2; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281; 8 USC 1282

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/01/1999	64 FR 29208
Interim Final Rule Comment Period End	08/02/1999	

Additional Information: CIS No. 1881-97 Transferred from RIN 1115-AE96

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA14

 [View Related Documents](#)

Title: Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security

Abstract: This rule amends the Department of Homeland Security (DHS) regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act by: 1) Canceling the Designated Fingerprinting Service program; 2) requiring applicants and petitioners for benefits to be fingerprinted at either a DHS Office or at a United States consular or military office; 3) establishing a fee for fingerprinting by the Department; and 4) requiring confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed before adjudication of a naturalization application is completed.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 316; 8 CFR 335 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	03/17/1998	63 FR 12979
Interim Final Rule Effective	03/29/1998	63 FR 12979
Interim Final Rule Correction	04/09/1998	63 FR 17489
Interim Final Rule Comment Period End	05/18/1998	

Additional Information: CIS No. 1891-97 Transferred from RIN 1115-AF03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA17

 [View Related Documents](#)

Title: Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries

Abstract: This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of DHS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 240; 8 CFR 246; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224; 8 USC 1225 to 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM (CIS No. 1915-98)	11/24/1998	63 FR 64895
NPRM Comment Period End (CIS No. 1915-98)	01/25/1999	
Interim Rule (CIS No. 1915-98)	05/21/1999	64 FR 27856
Interim Rule Comment Period End	07/20/1999	

Additional Information: CIS No. 1915-98 Transferred from RIN 1115-AF14

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA19

 [View Related Documents](#)

Title: Regulations Concerning the Convention Against Torture

Abstract: This rule implements Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment for persons who may be subject to removal from the United States under the provisions of the Immigration and Nationality Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240 to 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Requirements promulgated under the Immigration and Nationality Act.	02/18/1999

## Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	02/19/1999	64 FR 8478
Interim Final Rule Corrections	03/22/1999	64 FR 13881
Interim Final Rule Effective	03/22/1999	
Interim Final Rule Comment Period End	04/20/1999	

Additional Information: CIS No. 1976-99 Transferred from RIN 1115-AF39

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA22

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Title: Inadmissibility and Deportability on Public Charge Grounds

Abstract: This rule amends Department regulations to establish clear standards governing a determination that an alien is admissible or ineligible to adjust status, or has become deportable, on public charge grounds. This rule is necessary to alleviate growing public confusion over the meaning of the currently undefined term public charge in immigration law and its relationship to the receipt of Federal, State, or local public benefits. By defining public charge, DHS seeks to reduce the existing confusion and to provide aliens with better guidance as to the types of public benefits that will and will not be considered in public charge determinations.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 237 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182 and 1183; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/26/1999	64 FR 28676
NPRM Comment Period End	07/26/1999	

Additional Information: CIS No. 1989-99 Transferred from RIN 1115-AF45

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA24

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Title: Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation

Abstract: Section 207 of the Immigration and Nationality Act authorizes the Attorney General to admit refugees to the United States under certain conditions, including those provided for by regulation. That authority was delegated to the Secretary of Homeland Security under the Homeland Security Act. DHS regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry. The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may be admitted to the United States in refugee status. This rule amends DHS regulations by removing language that erroneously implies that DHS requires a sponsorship agreement and guaranty of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues in the existing regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 207 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157 and 1158

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	05/21/1999	64 FR 27660
Interim Final Rule Comment Period End	07/20/1999	

Additional Information: CIS No. 1999-99 Transferred from RIN 1115-AF49

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA30

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Title: Revoking Grants of Naturalization

Abstract: This rule amends DHS regulations by rescinding the regulations relating to administrative revocation of naturalization. This change is necessary since the previous regulations at 8 CFR 340.1 were invalidated on July 20, 2000, by the Ninth Circuit Court of Appeals in the class action lawsuit *Gorbach v. Reno*, 219 F.3d 1087 (9th Cir. 2000), and final injunction prohibiting the use of these regulations on February 14, 2001.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 340 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 8 USC 1443

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	



Interim Final Rule	03/31/2000	65 FR 17127
Interim Final Rule Comment Period End	05/30/2000	

Additional Information: CIS No.1858-97 Transferred from RIN 1115-AF63

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA34

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Title: National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities

Abstract: On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act at section 203 to provide national interest waivers to alien physicians agreeing to practice five years in designated medically underserved areas or at Veterans Affairs facilities. The Department of Justice issued two interim rules to amend 8 CFR parts 204 and 245 to implement the new statutory provisions and to allow applicants to begin to take advantage of the new provisions. The Department of Homeland Security now seeks to finalize the process by issuing a final rule.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	09/06/2000	65 FR 53889
Correction to Interim Final Rule	09/27/2000	65 FR 57943
Interim Final Rule Effective	10/06/2000	
Correction to Interim Final Rule	10/20/2000	65 FR 63118
Interim Final Rule Comment Period End	11/06/2000	

Additional Information: CIS No. 2048-00 Transferred from RIN 1115-AF75

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA35

 [View Related Documents](#)

Title: Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95

Abstract: On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted, creating a new H-1C nonimmigrant nurse category. This rule amends the Department's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring of alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214.2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/11/2001	66 FR 31107
Interim Final Rule Comment Period End	08/10/2001	

Additional Information: CIS No. 2050-00 Transferred from RIN 1115-AF76

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA40

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Title: Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility

Abstract: The Department is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE Act). As required by the LIFE Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval when filed.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 205; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b; 8 USC 1304; 8 USC 1356

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	03/26/2001	
Interim Final Rule	03/26/2001	66 FR 16383
Interim Final Rule Comment Period End	05/25/2001	

Additional Information: CIS No. 2078-00; This rulemaking supersedes RIN 1615-AA85 Transferred from RIN 1115-AF91

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA43

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Title: Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention

Abstract: This rule amends Department of Homeland Security (DHS) regulations relating to intercountry adoptions by U.S. citizens. First, to facilitate the ratification of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 (Convention), the rule establishes new administrative procedures for the immigration of children who are habitually resident in Convention countries and who are adopted by U.S. citizens. Second, the rule makes other amendments to DHS regulations relating to the immigration of adopted children, to reflect the changes to those provisions necessary to comply with the Convention. The U.S. Senate consented to ratification of the Convention in 2000 conditioned on the adoption of the necessary implementing regulations. Accordingly, this rule is necessary to establish the regulations necessary for the United States to ratify the Convention.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	10/04/2007	72 FR 56832
Interim Final Rule Effective	11/05/2007	
Interim Final Rule Comment Period End	12/03/2007	
Interim Rule; Reopening	03/25/2008	73 FR 15635
Comment Period Extended	05/27/2008	

Additional Information: CIS No. 2098-07. Transferred from RIN 1115-AF96

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA44

 [View Related Documents](#)

Title: Academic Honorarium for B Nonimmigrant Aliens

Abstract: DHS is proposing to amend its regulations relating to the acceptance of academic honoraria by nonimmigrant aliens admitted to the United States as a B visa visitor status. This is necessary to implement changes to section 212 of the Immigration and Nationality Act made by the American Competitiveness and Workforce Improvement Act of 1998. The amendment outlines the proposed procedures necessary for a nonimmigrant alien visiting the United States in valid B visa status to accept honoraria in connection with usual academic activities.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 105-277; 8 USC 1182; 8 USC 1184

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/30/2002	67 FR 37727
NPRM Comment Period End	07/29/2002	

Additional Information: CIS No. 2100-00 Transferred from RIN 1115-AF97

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA45

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Title: Children Born Outside the United States; Applications for Certificate of Citizenship

Abstract: This rule implements title I of the Child Citizenship Act of 2000, Public Law 106-395. First, it amends DHS regulations by adding a new part that addresses application procedures for foreign-born children residing in the United States

pursuant to a lawful admission for permanent residence, who acquire citizenship automatically under section 320 of the Immigration and Nationality Act (Act), as amended. This rule established procedures for these foreign-born children, including adopted children, to obtain certificates of citizenship. Second, this rule also addresses application procedures for foreign-born children residing outside the United States, who can acquire citizenship under section 322 of the Act, as amended, by approval of an application and taking the oath of allegiance.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 320; 8 CFR 322; 8 CFR 338; 8 CFR 341; 8 CFR 499; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 106-395

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Child Citizenship Act of 2000	02/27/2001

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	06/13/2001	
Interim Final Rule	06/13/2001	66 FR 32138
Interim Final Rule Comment Period End	08/13/2001	

Additional Information: CIS No. 2101-00 Transferred from RIN 1115-AF98

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA46

 [View Related Documents](#)

Title: Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances

Abstract: The current regulations provide that an alien worker who wants to apply for permanent residence by filing the appropriate Form I-485, Application To Register Permanent Residence or Adjust Status, cannot do so until he or she obtains approval of the underlying petition, Form I-140, Immigrant Petition for Alien Worker. This procedure has resulted in aliens experiencing unnecessary delays due to the heavy backlog created by increasing numbers of cases received by the Department of Homeland Security (DHS). This rule amends DHS regulations by allowing the Forms I-140 and I-485 to be filed concurrently when a visa is immediately available, thereby improving the efficiency of the system, as well as customer service. This rule will also allow the alien worker to apply for employment authorization (Form I-765, Application for Employment Authorization) and advance parole authorization (Form I-131, Application for Travel Document) while the Form I-485 is pending.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	07/31/2002	
Interim Final Rule	07/31/2002	67 FR 49561
Interim Final Rule Comment Period End	09/30/2002	

Additional Information: CIS No. 2104-00 Transferred from RIN 1115-AG00

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB82

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA49

 [View Related Documents](#)

Title: Establishing Premium Processing Service for Employment-Based Petitions and Applications

Abstract: This interim rule changes the premium processing time from 15 calendar days to 15 business days and adds additional circumstances that will stop the premium processing clock. This rule also clarifies that for e-filed petitions and applications, the 15-business-day processing period begins when U.S. Citizenship and Immigration Services receives the initial required supporting documentation to adjudicate the case at the Service Center with jurisdiction over that case. This interim rule also addresses public comments received in connection with the first interim rule.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	06/01/2001	
Interim Final Rule	06/01/2001	66 FR 29682
Interim Final Rule Comment Period End	07/31/2001	

Additional Information: CIS No. 2108-01 Transferred from RIN 1115-AG03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA51

 [View Related Documents](#)

Title: Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti

Abstract: This final rule implements the provisions of the Legal Immigration Family Equity Act (LIFE Act) and its technical amendments to both the Nicaraguan Adjustment and Central American Relief Act (NACARA), and the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998. Specifically, section 1505 of the amendments to the LIFE Act states that section 241(a)(5) of the Immigration and Nationality Act (INA) does not apply to adjustment applicants under NACARA/HRIFA and that the grounds of inadmissibility under section 212(a)(9)(A) and (C) of the INA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5) of the INA provides for the reinstatement of a removal order against any alien who illegally re-enters the United States after having been removed or after having departed voluntarily under an order of removal. It also bars any alien whose removal order has been reinstated from receiving any relief under the INA, including any waivers of grounds of inadmissibility necessary for the grant of adjustment of status. Sections 212(a)(9)(A) and 212(a)(9)(C) of the INA are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to the LIFE Act also states that an alien who has become eligible for benefits under NACARA/HRIFA, as a result of the enactment of the LIFE Act, may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 241; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Comment Period End	05/31/2001	
Interim Final Rule	05/31/2001	66 FR 29449

Additional Information: CIS No. 2113-01 Transferred from RIN 1115-AG05

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA56

 [View Related Documents](#)

Title: K Nonimmigrant Classification; Legal Immigration Family Equity (LIFE) Act

Abstract: Section 1103 of the Legal Immigration Family Equity Act (LIFE), Public Law 106-553, finalizes the Interim Rule that created a new nonimmigrant classification under the Immigration and Nationality Act section 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in DHS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 106-553

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		12/21/2000

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	08/14/2001	66 FR 42587
Interim Final Rule Comment Period End	10/15/2001	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA57

 [View Related Documents](#)

Title: Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States

Abstract: On October 27, 2000, President Bush signed into law Public Law 106-378, Adjustment of Status of Certain Syrian Nationals, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the annual numerical limitation requirement. This interim final rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The Department issued this action as an interim rule because Public Law 106-378 provided for a one-year application period, which ended on October 26, 2001. Publication of the interim final rule ensured that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	05/17/2001	
Interim Final Rule	05/17/2001	66 FR 27445
Interim Final Rule Comment Period End	07/17/2001	

Additional Information: Transferred from RIN 1115-AG13

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No



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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA63

 [View Related Documents](#)

Title: Removal of Limitations on the Validity Period for Employment Authorization Documents

Abstract: This rule amends DHS regulations governing issuance of Employment Authorization Documents (EADs) to give the Agency discretion to modify EAD validity periods for initial, renewal, and replacement EADs. This rule also amended the regulations to reflect that the Agency will issue EADs to aliens granted asylum by the Department of Justice, Executive Office of Immigration Review (EOIR), with validity periods of up to 5 years, unless otherwise appropriate.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/30/2004	69 FR 45555
Interim Final Rule Comment Period End	09/28/2004	

Additional Information: CIS No. 2152-01 Transferred from RIN 1115-AG32

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA73

 [View Related Documents](#)

Title: Requiring Change of Status From B-1 to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study

Abstract: The interim final rule amends Department regulations by eliminating the current provision allowing a nonimmigrant visitor for business or pleasure to enroll in a DHS-approved school without first obtaining approval of a change of nonimmigrant status request from the Department. The amendment will ensure that no B nonimmigrant is allowed to begin taking classes until

the Department has approved the alien's request to change nonimmigrant status to that of F or M student.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 214; 8 CFR 248 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/12/2002	67 FR 18061
Interim Final Rule Comment Period End	06/11/2002	

Additional Information: CIS No. 2195-02 Transferred from RIN 1115-AG60

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA86

 [View Related Documents](#)

Title: Withholding of Adjudication

Abstract: This interim rule codifies the Secretary of Homeland Security's current discretionary authority, as delegated to the Department of Homeland Security (DHS) directors, to manage the caseload of pending requests for immigration benefits in districts or regions over which the directors have jurisdiction. A component of this case management authority is the ability to withhold adjudication of any pending application or petition, particularly when an investigation is ongoing and background and security checks are still pending completion. This interim rule expands the circumstances under which DHS may withhold adjudication or toll any applicable regulatory deadline for completion of adjudication of an application or petition. This interim rule also modifies the regulations governing processing of naturalization applications to define when a naturalization examination will be deemed "conducted" for purposes of seeking administrative or judicial review under section 336 of the Immigration and Nationality Act (Act). The interim rule also requires that background and security checks be completed to the satisfaction of the Secretary before an alien may be found to have "good moral character" for naturalization and before the alien may be naturalized in accordance with title III of the Act. These changes will aid DHS in its efforts to improve case adjudication overall while simultaneously ensuring that no immigration or naturalization benefit is granted until any pending investigation or required background and security check is completed to the satisfaction of the Secretary. These changes also will ensure that no immigration benefit is provided to an ineligible individual or person who may pose a threat to public safety or national security.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 310; 8 CFR 335 and 336 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 8 USC 1421; 8 USC 1443; 8 USC 1447; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Interim Final Rule Effective	05/17/2001	
Interim Final Rule	05/17/2001	66 FR 27445
Interim Final Rule Comment Period End	07/17/2001	

Additional Information: CIS No. 2234-02 Transferred from RIN 1115-AG86

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AA96

 [View Related Documents](#)

Title: Eliminating the Numerical Cap on Mexican TN Nonimmigrants

Abstract: This rule eliminates the 5,500 annual limit on the number of Mexican professional admissions under the North American Free Trade Agreement (NAFTA). It also eliminates the associated requirement of a petition on Form I-129 and the certified labor condition application. Rather than submit a petition to DHS, aliens seeking TN classification will apply for a TN visa from the State Department. This rule brings the treatment of Mexican TNs under NAFTA closer to that of Canadian TNs.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	03/10/2004	69 FR 11287
Interim Final Rule Comment Period End	05/10/2004	

Additional Information: CIS No. 2266-03 Transferred from RIN 1115-AH02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB14

 [View Related Documents](#)

Title: Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment-Based Immigrants

Abstract: The Soviet Scientists Immigration Act of 1992 (SSIA) provided for 750 visas to be provided to eligible scientists and engineers from the former Soviet Union. This Program expired on October 24, 1996. Recent legislation extended the eligibility deadline for filing under the SSIA to September 30, 2006, and raised the numerical limit on these visas from 750 to 950. It also required DHS to consult with the Department of State and other agencies regarding previous experiences with the program and their recommendations for making the program more effective. This rule improves administration of the program by requiring each applicant to submit a statement signed by the State Department's Bureau of Nonproliferation (Bureau) regarding his or her qualifications. Because the Bureau has been in close contact with this group of scientists and with the organizations that have employed them for a number of years, the Bureau is in a better position than DHS to assess the individual applicant's qualifications. Accordingly, this signed statement will be submitted for the evidence of qualifications previously required under the program.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/25/2005	70 FR 21129
Interim Final Rule Effective	05/25/2005	
Interim Final Rule Comment Period End	06/24/2005	

Additional Information: CIS No. 2277-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB28

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Title: Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates

Abstract: This rule amends Department of Homeland Security regulations to extend the deadline by which certain health care workers from Canada and Mexico must obtain health care worker certifications. This rule applies only to affected health care workers, who, before September 23, 2003, were previously employed as TN nonimmigrant health care workers (Canadian or Mexican citizens), and held a valid license from a U.S. jurisdiction. This interim rule does not change the licensing requirements for employment purposes. Publication of this rule ensures that the U.S. health care system is not adversely affected by the expiration of the transition period for certain health care workers to present the required certification.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/22/2004	69 FR 43729
Interim Final Rule Comment Period End	09/20/2004	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB44

 [View Related Documents](#)

Title: Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances

Abstract: This rule amended DHS regulations applying to on-campus employment, off-campus employment authorization, and duration of status for nonimmigrant F-1 students. The rule permits the Secretary to suspend some or all of the requirements for on-campus or off-campus employment where emergent circumstances exist as provided through notice in the Federal Register. The rule also amends the regulations to provide that an F-1 student who carries less than a full course of study as a result of this special employment authorization will be deemed to be maintaining status for the duration of the authorization, as long as the student carries a minimum course load of 6 credit hours if the student is an undergraduate, or 3 credit hours if the student is in graduate school.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281 and 1282

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/10/1998	63 FR 31871
Interim Final Rule Comment Period End	08/10/1998	

Additional Information: CIS No. 1914-98 (Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines). Transferred from RIN 1615-AA99

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Related RINs: Previously Reported as 1115-AF15

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB50

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Title: Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status

Abstract: The Secretary of Homeland Security and the Attorney General publish these interim final rules to amend their respective agencies' regulations governing applications for adjustment of status filed by paroled arriving aliens seeking to become lawful permanent residents. The Secretary and the Attorney General are also amending the regulations to clarify when United States Citizenship and Immigration Services, or the immigration judges and the Board of Immigration Appeals, Executive Office for Immigration Review, have jurisdiction to adjudicate applications for adjustment of status by such aliens. In addition, the Secretary and the Attorney General are requesting comments on the possibility of adopting further proposals in the future to structure the exercise of discretion in adjudicating these applications for adjustment of status.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 25; 8 CFR 1001; 8 CFR 1245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1255; 8 USC 1225(b)(2); 8 USC 1229a(c)(2)(A); 8 USC 1101(a)(13)(B); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	05/12/2006	71 FR 27585
Interim Final Rule Comment Period End	06/12/2006	

Additional Information: CIS No. 2387-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB56

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Title: Removing References to Filing Locations and Obsolete References to Legacy Immigration and Naturalization Service

Abstract: This rule will amend the Department of Homeland Security (DHS), U.S. Citizenship and Immigrations Services'

(USCIS) regulations to: (1) remove the Immigration and Naturalization Service (INS) organizational structure from regulations since INS no longer exists; and (2) eliminate from USCIS regulations all references to filing locations so that USCIS may provide such information on petition and application forms and through any other means. This rule will eliminate confusion and obsolete references from USCIS regulations and help the public determine where to file forms with USCIS. It will also result in a more efficient and streamlined process for USCIS to make future changes to filing instructions, allowing the Agency to better manage its workload.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 204; 8 CFR 207 and 208; 8 CFR 211 and 212; 8 CFR 214; 8 CFR 216; 8 CFR 236; 8 CFR 244 and 245; 8 CFR 248; 8 CFR 264; 8 CFR 274a; 8 CFR 301; 8 CFR 316; 8 CFR 320; 8 CFR 322; 8 CFR 324; 8 CFR 327 to 330; 8 CFR 334; 8 CFR 392 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 CFR 2.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Published	06/05/2009	74 FR 26933
Interim Final Rule Effective	07/06/2009	
Interim Final Rule Comment Period End	08/04/2009	

Additional Information: CIS No. 2405-07

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB68

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Title: Petitions Filed on Behalf of H-1B Temporary Workers Subject to the Annual Numerical Limitation

Abstract: The Department of Homeland Security is amending its regulations governing petitions filed on behalf of alien workers subject to the annual numerical limitations applicable to the H nonimmigrant classification. This rule precludes a petitioner from filing more than one petition based on the H-1B nonimmigrant classification on behalf of the same alien temporary worker in a given fiscal year if the alien is subject to a numerical limitation. Additionally, this rule makes accommodations for petitioners seeking to file petitions on behalf of alien workers subject to the annual numerical limitation on the first day on which filings will be accepted for the next fiscal year. This rule also clarifies the treatment of H nonimmigrant petitions incorrectly claiming an exemption from the numerical limitations. Finally, the rule removes from the regulations unnecessary language regarding the annual numerical limitation applicable to the H-1B nonimmigrant classification. These changes are necessary to clarify the regulations and further ensure the fair and orderly adjudication of petitions subject to numerical limitations.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1184

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	03/24/2008	
Interim Final Rule	03/24/2008	73 FR 15389
Interim Final Rule Comment Period End	05/23/2008	

Additional Information: 2434-07

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB12

 [View Related Documents](#)

Title: Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations governing registration of aliens under sections 262 and 264 of the Immigration and Nationality Act (Act). The rule, which codifies existing DHS practices, provides that DHS will issue alien registration documents only once all appropriate background and security checks have been completed to the satisfaction of the Secretary of Homeland Security (Secretary). This interim rule establishes time frames, under certain circumstances, for the issuance of such registration documentation and procedures for delaying the issuance of such documentation when DHS determines that the alien may pose a risk to national security or public safety.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 264 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1303 to 1305

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Withdrawn	08/12/2009	

Additional Information: CIS No. 2291-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB59

 [View Related Documents](#)

Title: Modifications to Forwarding of Affirmative Asylum Applications to Department of State

Abstract: Promulgation of this regulation alters the process by which U.S. Citizenship and Immigration Services (USCIS) forwards affirmative asylum applications to the Department of State (DOS) under 8 CFR 208.11(a). The regulation permits USCIS in its discretion to send asylum applications to DOS in those cases where USCIS would like DOS information for consideration in the adjudication.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	04/06/2009	74 FR 15367

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB66

 [View Related Documents](#)

Title: Updates to Title 8 of the Code of Federal Regulations

Abstract: U.S. Citizenship and Immigration Services (USCIS) is taking direct final action to correct errors and to remove erroneous text from its regulations. By taking this action, USCIS intends to provide correct, up-to-date information to the regulated community with as little delay as possible. Title 8 of the Code of Federal Regulations contains minor inadvertent print errors, references to regulatory passages that no longer exist, and passages that are no longer enforced because they have been invalidated by court decisions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 103; 8 CFR 204; 8 CFR 210; 8 CFR 214; 8 CFR 244 to 245a; 8 CFR 274 to 274a; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/26/2009	

Additional Information: CIS 2430-07

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No  
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Government Levels Affected: No  
Federalism: No

Department of Homeland Security (DHS)  
U.S. Citizenship and Immigration Services ( USCIS )

RIN: 1615-AB70

 [View Related Documents](#)

Title: Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances

Abstract: This rule proposes to clarify who is authorized to represent applicants and petitioners in proceedings before U.S. Citizenship and Immigration Services (USCIS) and to change the rules and procedures concerning the standards of professional conduct for attorneys and other practitioners who appear before the Department of Homeland Security (DHS) in immigration proceedings. Current regulations set forth who may represent individuals in immigration proceedings and also set forth the rules and procedures for imposing disciplinary sanctions against attorneys or other practitioners who engage in criminal, unethical, frivolous, or unprofessional conduct before DHS. The proposed revisions are necessary due to the creation of DHS and reflect the adjudication authority of immigration proceedings before both DHS and the United States Department of Justice, Executive Office for Immigration Review (EOIR). The changes proposed are intended to maintain the integrity of the adjudicatory processes for DHS by updating and improving the rules of professional conduct for practitioners.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 292 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1292

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Transferred to RIN 1601-AA58	05/19/2009	

Additional Information: CIS 2446-08

Regulatory Flexibility Analysis Required: No  
Federalism: No  
Energy Affected: No  
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Government Levels Affected: No

Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA03

 [View Related Documents](#)

Title: Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 136 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2713 and 2714

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/1992	57 FR 36314
Correction	09/09/1992	57 FR 41104
Interim Final Rule Comment Period End	12/10/1992	
Supplemental NPRM	10/00/2010	

Regulatory Flexibility Analysis Required: Business;  
Governmental Jurisdictions; Organizations

Government Levels Affected: Federal; Local; State;  
Tribal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA06

 [View Related Documents](#)

Title: State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the Coast Guard will exercise the authority to obligate the pollution trust fund for oil spill response and clean-up efforts, and to enter into agreements with the States. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 133 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2712

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Rule	11/13/1992	57 FR 53968
Interim Final Rule Comment Period End	02/11/1993	
Supplementary NPRM	09/00/2010	

Additional Information: This rulemaking was formerly docket number CGD92-014.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Benjamin White

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA16

 [View Related Documents](#)

Title: Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (USCG-2004-17914)

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This rulemaking makes several minor editorial and clarification changes throughout title 46 parts 10, 11, 12, and 15. This project supports the Coast Guard's broad role and responsibility of maritime safety. It also supports the roles and responsibilities of the Coast Guard of reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10; 46 CFR 11; 46 CFR 12; 46 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 2103; 46 USC chapters 71 and 73; DHS Delegation No. 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/1995	60 FR 39306
Supplemental NPRM Comment Period End	09/29/1995	
Notice of Inquiry	11/13/1995	60 FR 56970
Comment Period End	01/12/1996	
NPRM	03/26/1996	61 FR 13284
Notice of Public Meetings	04/08/1996	61 FR 15438
NPRM Comment Period End	07/24/1996	

Notice of Intent	02/04/1997	62 FR 5197
Interim Final Rule	06/26/1997	62 FR 34505
Interim Final Rule Effective	07/28/1997	
NPRM	11/17/2009	74 FR 59353
NPRM Comment Period End	02/16/2010	

Additional Information: Old Docket Number CGD 95-062.

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA18

 [View Related Documents](#)

Title: Outer Continental Shelf Activities (USCG-1998-3868)

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health, other than for matters generally related to drilling and production that are regulated by the Minerals Management Service (MMS), on facilities and vessels engaged in the exploration for, or development or production of, minerals on the OCS. This project would revise the regulations on Outer Continental Shelf (OCS) activities to: 1) Add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and 3) allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 140 to 147 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; Department of Homeland Security Delegation No. 0170.1.

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Comments	06/27/1995	60 FR 33185
Comment Period End	09/25/1995	
NPRM	12/07/1999	64 FR 68416
NPRM Correction	02/22/2000	65 FR 8671
NPRM Comment Period Extended	03/16/2000	65 FR 14226
NPRM Comment Period Extended	06/30/2000	65 FR 40559
NPRM Comment Period End	11/30/2000	
Supplemental NPRM	09/00/2010	

Additional Information: Docket Numbers: The notice of request for comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments, that docket was terminated. This project continues

under Docket No. USCG-1998-3868 and RIN 1625-AA18.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA32

 [View Related Documents](#)

Title: Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)

Abstract: This rulemaking would propose to add performance standards to 33 CFR part 151, subparts C and D, for all discharges of ballast water. It supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship. This project is significant due to high interest from Congress and several Federal and State agencies, as well as costs imposed on industry.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 33 CFR 151 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 16 USC 4711

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: The unintentional introductions of nonindigenous species into U.S. waters via the discharge of vessels' ballast water has had significant impacts to the nation's aquatic resources, biological diversity, and coastal infrastructures. This rulemaking would amend the ballast water management requirements (33 CFR part 151 subparts C and D) and establish standards that specify the level of biological treatment that must be achieved by a ballast water treatment system before ballast water can be discharged into U.S. waters. This would increase the Coast Guard's ability to protect U.S. waters against the introduction of nonindigenous species via ballast water discharges.

Legal Basis: Congress has directed the Coast Guard to develop ballast water regulations to prevent the introduction of nonindigenous species into U.S. waters under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 and reauthorized and amended it with the National Invasive Species Act of 1996. This rulemaking does not have a statutory deadline.

Alternatives: We would use the standard rulemaking process to develop regulations for ballast water discharge standards. Nonregulatory alternatives such as navigation and vessel inspection circulars and the Marine Safety Manual have been considered and may be used for the development of policy and directives to provide the maritime industry and our field offices guidelines for implementation of the regulations. Nonregulatory alternatives cannot be substituted for the standards we would develop with this rule. Congress has directed the Coast Guard to review and revise its BWM regulations not less than every three years based on the best scientific information available to the Coast Guard at the time of that review. This proposed rule includes a phase-in schedule (Phase-one and Phase-two) for the implementation of ballast water discharge standards based on vessel's ballast water capacity and build date. The proposed phase-one standard is the same standard adopted by the International Maritime Organization (IMO) for concentration of living organisms in ballast water discharges. For phase-two, we propose incorporating a practicability review to determine whether technology to achieve a more stringent standard than the IMO can practicably be implemented.

Costs and Benefits: This proposed rule would affect vessels operating in U.S. waters that are equipped with ballast tanks.

Owners and operators of these vessels would be required to install and operate Coast Guard approved ballast water management systems before discharging ballast water into U.S. waters. Cost estimates for individual vessels vary due to the vessel class, type and size, and the particular technology of the ballast water management system installed. We expect the highest annual costs of this rulemaking during the periods of installation as the bulk of the existing fleet of vessels must meet the standards according to proposed phase-in schedules. The primary cost driver of this rulemaking is the installation costs for all existing vessels. Operating and maintenance costs are substantially less than the installation costs. We evaluated the benefits of this rulemaking by researching the impact of aquatic nonindigenous species (NIS) invasions in the U.S. waters, since ballast water discharge is one of the main vectors of NIS introductions in the marine environment. The primary benefit of this rulemaking would be the economic and environmental damages avoided from the reduction in the number of new invasions as a result of the reduction in concentration of organisms in discharged ballast water. We expect that the benefits of this rulemaking would increase as the technology is developed to achieve more stringent ballast water discharge standards. At this time, we estimate that this rulemaking would have annual impacts that exceed \$100 million and result in an economically significant regulatory action.

**Risks:** Ballast water discharged from ships is a significant pathway for the introduction and spread of non-indigenous aquatic nuisance species. These organisms, which may be plants, animals, bacteria or pathogens, have the potential to displace native species, degrade native habitats, spread disease and disrupt human economic and social activities that depend on water resources. It is estimated that for areas such as the Great Lakes, San Francisco Bay, and Chesapeake Bay, one nonindigenous species becomes established per year. At this time, it is difficult to estimate the reduction of risk that would be accomplished by promulgating this rulemaking; however, it is expected a major reduction will occur. We are currently requesting information on costs and benefits of more stringent ballast water discharge standards.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/04/2002	67 FR 9632
ANPRM Comment Period End	06/03/2002	
NPRM	08/28/2009	74 FR 44632
Public Meeting	09/14/2009	74 FR 46964
Public Meeting	09/28/2009	74 FR 49355
Public Meeting	09/22/2009	74 FR 48190
Notice--Extension of Comment Period	10/15/2009	74 FR 52941
Public Meeting Correction	10/26/2009	74 FR 54944
Public Meeting	10/22/2009	74 FR 54533
NPRM Comment Period End	12/04/2009	74 FR 52941
Final Rule	12/00/2010	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA58

 [View Related Documents](#)

Title: Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)

**Abstract:** This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 Above Head of Passes (AHP)) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 Above Head of Passes (AHP). Unlike traditional VTSeS, which are based on radar and video surveillance and rely

on voice communications by VHF-FM radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 161; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1223(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/26/2000	65 FR 24616
NPRM Comment Period End	07/25/2000	
NPRM Comment Period Reopened	08/18/2000	65 FR 50479
NPRM Comment Period End	12/01/2000	
Supplemental NPRM	11/12/2009	74 FR 58223
Supplemental NPRM Comment Period End	01/11/2010	

Additional Information: This project was originally entitled "Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement." The VTS LMR will retain RIN 1625-AA58. The AIS carriage requirement was developed in a separate rulemaking (see USCG-2003-14757, RIN 1625-AA67).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA77

 [View Related Documents](#)

Title: Commercial Fishing Industry Vessels (USCG-2003-16158)

Abstract: This rulemaking would amend commercial fishing industry vessel requirements to enhance maritime safety. The proposed changes would affect vessel stability and watertight integrity, carriage of immersion suits, training, compliance documentation, and safety equipment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 46 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 4502(a) to 4502(d); 46 USC 4505 and 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/31/2008	73 FR 16815
ANPRM Comment Period End	12/15/2008	
NPRM	06/00/2010	



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Regulatory Flexibility Analysis Required: Business      Government Levels Affected: No  
Federalism: No  
Energy Affected: No  
RIN Information URL: [www.regulations.gov](http://www.regulations.gov)      Public Comment URL: [www.regulations.gov](http://www.regulations.gov)  
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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA89

 [View Related Documents](#)

Title: Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621)

Abstract: The historical practice of bulk dry cargo vessels on the Great Lakes is to discharge cargo residues ("dry cargo residue") overboard. Dry cargo residue is cargo that remains on the deck or cargo spaces after loading or unloading operations. Generally, these residues include limestone and other clean stone, iron ore (such as taconite), coal, salt, and cement. These substances are primarily inorganic, non-toxic, and non-hazardous. The implementing regulations for Annex V of the International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL Annex V), prohibits the discharge of "garbage," which these sweepings are defined as, into the navigable waters of the U.S. However, under an "interim enforcement policy" (IEP) adopted by the USCG's Ninth District in 1993 (and revised/reissued in 1995 and 1997) and adopted by Congress beginning in 1998, these requirements were not enforced, thereby allowing the continuation of cargo sweeping in specified areas of the Great Lakes. The Coast Guard published an Interim Rule (73 FR 56492) on September 29, 2008. It amended the regulations to allow the discharge of bulk dry cargo residue (DCR) in limited areas of the Great Lakes by self-propelled vessels and by any barge that is part of an integrated tug and barge unit. This regulation adopts the IEP, and new recordkeeping and reporting requirements, and encourages carriers to adopt voluntary control measures for reducing discharges. Discharges are also now prohibited in certain protected and sensitive areas where, previously, they were allowed. The Coast Guard requested public comments on the need for and feasibility of additional conditions that might be imposed on discharges in the future, such as mandatory use of control measures, or further adjustments to the areas where discharges were allowed or prohibited. The Coast Guard has now entered Phase II, studying control measures on vessels and bulk dry cargo facilities, to reduce the amount of residue discharges in the Great Lakes. The Coast Guard intends to analyze the data, post a tiered EIS, and publish a supplemental NPRM.

Priority: Substantive, Nonsignificant      Agenda Stage of Rulemaking: Proposed Rule  
Major: No      Unfunded Mandates: No  
CFR Citation: 33 CFR 151 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
Legal Authority: PL 108-293  
Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/23/2008	73 FR 30014
NPRM Comment Period End	07/22/2008	
Interim Final Rule	09/29/2008	73 FR 56492
Interim Final Rule Comment Period End	01/15/2009	
Supplemental NPRM	02/00/2010	

Additional Information: Supplementary information about this rulemaking may be found in the docket for this rulemaking. The docket may be accessed via the URL listed below.

Regulatory Flexibility Analysis Required: No      Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA93

 [View Related Documents](#)

Title: Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963)

Abstract: This rulemaking project would revise Notice of Arrival (NOA) regulations found at 33 CFR part 160, subpart C, by: 1) Adding to the list of certain dangerous cargo (CDC) ammonium nitrate and certain ammonium nitrate-based fertilizers, in bulk, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk; 2) adding two options for vessels to submit NOAs electronically, and 3) defining CDC residue. In addition, the rulemaking would confirm that U.S. recreational vessels are not subject to part 160 requirements. This rulemaking would also revise 33 CFR parts 104 and 105 as necessary. This project supports the Coast Guard's broad roles and responsibilities of maritime safety, maritime security, and maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 160; 33 CFR 104 and 105 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1226; 46 USC ch 701; 50 USC 191; 33 CFR 1.05-1; 33 CFR 6.04-11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No. 0170.1; 33 USC 1223, 1231

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Rule	12/16/2005	70 FR 74663
Interim Final Rule Effective	01/17/2006	
Interim Final Rule Comment Period End	03/16/2006	
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA41; Related to 1625-AA96; Related to 1625-AA99

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB06

 [View Related Documents](#)

Title: Inspection of Towing Vessels (USCG-2006-24412)

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party entities along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping. Due to the costs imposed on an entire uninspected segment of the marine industry, the Coast Guard projects that this will be a significant rulemaking, especially for small entities.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 33 CFR 156 and 157; 33 CFR 163 and 164; 46 CFR 135 to 146 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 3301, 46 USC 3305, 46 USC 3306, and 46 USC 3103; 46 USC 3703 [DHS Delegation No 0170.1]

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: This rulemaking would implement sections 409 and 415 of the Coast Guard and Maritime Transportation Act of 2004. The intent of the proposed rule is to promote safer work practices and reduce casualties on towing vessels by ensuring that towing vessels adhere to prescribed safety standards and safety management systems. This proposed rule was developed in cooperation with the Towing Vessel Safety Advisory Committee. It would establish a new subchapter dedicated to towing vessels and covering vessel equipment, systems, operational standards and inspection requirements.

Legal Basis: Proposed new Subchapter Authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; DHS Delegation 0170.1. The Coast Guard and Maritime Transportation Act of 2004 (CGMTA 2004), Pub. L. 108-293, 118 Stat. 1028, (Aug. 9, 2004), established new authorities for towing vessels as follows: Section 415 added towing vessels, as defined in section 2101 of title 46, United States Code (U.S.C.), as a class of vessels that are subject to safety inspections under chapter 33 of that title (Id. at 1047). Section 415 also added new section 3306(j) of title 46, authorizing the Secretary of Homeland Security to establish, by regulation, a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels (Id.). Section 409 added new section 8904(c) of title 46, U.S.C., authorizing the Secretary to establish, by regulation, "maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer)." (Id. at 1044-45).

Alternatives: We considered the following alternatives for the notice of proposed rulemaking (NPRM): One regulatory alternative would be the addition of towing vessels to one or more existing subchapters that deal with other inspected vessels, such as cargo and miscellaneous vessels (subchapter I), offshore supply vessels (subchapter L), or small passenger vessels (subchapter T). This option would involve very minimal regulatory work. We do not believe, however, that this approach would recognize the often "unique" nature and characteristics of the towing industry in general and towing vessels in particular. In addition to inclusion in a particular existing subchapter (or subchapters) for equipment-related concerns, the same approach could be adopted for use of a safety management system by merely requiring compliance with Title 33, Code of Federal Regulations, part 96 (Rules for the Safe Operation of Vessels and Safety Management Systems). Adoption of these requirements, without an alternative safety management system, would also not be "appropriate for the characteristics, methods of operation, and nature of service of towing vessels." The Coast Guard has had extensive public involvement (four public meetings, over 100 separate comments submitted to the docket, as well as extensive ongoing dialogue with members of the Towing Safety Advisory Committee (TSAC)) regarding development of these regulations. Adoption of one of the alternatives discussed above would likely receive little public or industry support, especially considering the TSAC efforts toward development of standards to be incorporated into a separate subchapter dealing specifically with the inspection of towing vessels. An approach that would seem to be more in keeping with the intent of Congress would be the adoption of certain

existing standards from those applied to other inspected vessels. In some cases, these existing standards would be appropriately modified and tailored to the nature and operation of certain categories of towing vessels. The adopted standards would come from inspected vessels that have demonstrated "good marine practice" within the maritime community. These regulations would be incorporated into a subchapter specifically addressing the inspection for certification of towing vessels. The law requiring the inspection for certification of towing vessels is a statutory mandate, compelling the Coast Guard to develop regulations appropriate for the nature of towing vessels and their specific industry.

**Costs and Benefits:** We estimate that 1,059 owners and operators (companies) would incur additional costs from this rulemaking. The rulemaking would affect a total of 5,208 vessels owned and operated by these companies. We estimate that 232 of the companies, operating 2,941 vessels, already use some type of safety management system. We estimate that 827 of the companies, operating 2,267 vessels, do not currently use a safety management system. Our cost assessment includes existing and new vessels. We are currently developing cost estimates for the proposed rule. The Coast Guard developed the requirements in the proposed rule by researching both the human factors and equipment failures that caused towing vessel accidents. We believe that the proposed rule would address a wide range of causes of towing vessel accidents and supports the main goal of improving safety in the towing industry. The primary benefit of the proposed rule is an increase in vessel safety and a resulting decrease in the risk of towing vessel accidents and their consequences.

**Risks:** This regulatory action would reduce the risk of towing vessel accidents and their consequences. Towing vessels accidents result in fatalities, injuries, property damage, pollution, and delays.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2010	

**Regulatory Flexibility Analysis Required:** Business;  
Governmental Jurisdictions; Organizations

**Government Levels Affected:** State

**Federalism:** No

**Energy Affected:** Undetermined

**RIN Information URL:** [www.regulations.gov](http://www.regulations.gov)

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB34

 [View Related Documents](#)

**Title:** Installation and Use of Engine Cut-off Switches [USCG-2009-0206]

**Abstract:** The Coast Guard proposes to prevent recreational boating casualties caused by persons being struck by a boat or propeller when the boat operator leaves the helm (e.g., falls overboard or is ejected.) To do this, the Coast Guard proposes to require engine cut-off switches as a standard safety feature on recreational boats less than 26 feet in length that have propulsion engines, and to require each operator of a recreational boat equipped with an engine cut-off switch to use the switch when the boat's engine(s) is running. This proposed rulemaking would support the Coast Guard's broad role and responsibility of maritime safety and the National Recreational Boating Safety program's performance goal of reducing recreational boating casualties.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 33 CFR 175 and 183 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 46 USC 4306

**Legal Deadline:** None

**Timetable:**

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Action	Date	FR Cite
NPRM	02/00/2010	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB35

 [View Related Documents](#)

Title: Classification Society Approval

Abstract: This proposed rule would incorporate the provisions of 46 U.S.C. 3316(c) regarding approval of classification societies into 46 CFR part 2.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 46 CFR 1 and 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 3306 and 3316; EO 12234; 45 FR 58801; 3 CFR; 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB37

 [View Related Documents](#)

Title: Marine Vapor Control Systems

Abstract: The Coast Guard proposes to revise the existing safety regulations for facility and vessel vapor control systems

(VCSs). The proposed changes would make VCS requirements more compatible with new Federal and State environmental requirements, regulate industry advancements in VCS technology, and codify the standards in the design and operation of a VCS at a tank barge cleaning facility. These changes would increase the safety of operations by regulating the design, installation, and use of VCSs, but would not require the installation or use of the systems.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 154 to 156; 46 CFR 35 and 39 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1225; 42 USC 7511b(f)(2); 46 USC 3703

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1625-AB01

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB38

 [View Related Documents](#)

Title: Maritime Security (MTSA II)

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. The proposed changes would enhance the security of our nation's ports, vessels, facilities, and Outer Continental Shelf facilities and incorporate requirements from legislation implemented since the original publication of these regulations in 2003.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 33 CFR, subchapter H (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1226 and 1231; 46 USC 701; 50 USC 191 and 192; EO 12656; 3 CFR 1988 Comp., p. 585; 33 CFR 1.05-1; 33 CFR 6.04-11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No. 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA48

 [View Related Documents](#)

Title: Traffic Separation Schemes: In the Strait of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702)

Abstract: This rulemaking will propose amendments to the existing traffic separation schemes (TSS): in the Strait of Juan de Fuca and its approaches; in Puget Sound and its approaches; in Haro Strait, Boundary Pass, and in the Strait of Georgia. These amendments are approved by the International Maritime Organization and have been validated by several recent vessel routing studies. With the amendments in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 167 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1223

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/27/2002	67 FR 54981
NPRM Comment Period End	10/28/2002	
Interim Final Rule	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Federalism: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB25

 [View Related Documents](#)

Title: Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability--Vessels and Deepwater Ports

Abstract: Pursuant to 33 U.S.C. 2704(d), this regulatory project adjusts limits of liability provided under the Oil Pollution Act of 1990, at 33 U.S.C. 2704, to reflect significant increases in the Consumer Price Index (CPI). This rulemaking supports the Coast Guard's broad roles and responsibilities of Maritime Stewardship and Maritime Safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 138 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 2704(d)

Legal Deadline: 33 USC 2704(d) requires development of regulations no later than July 10, 2009.

Action	Source	Description	Date
Other	Statutory		07/10/2009

Timetable:

Action	Date	FR Cite
NPRM	09/24/2008	73 FR 54997
NPRM Comment Period End	11/24/2008	
Interim Final Rule	07/01/2009	74 FR 31357
Interim Final Rule Comment Period End	08/31/2009	
Notice of Information Collection Approval	09/09/2009	74 FR 46367
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Agency Contact: Benjamin White

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Government Levels Affected: Local; State; Tribal

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB27

 [View Related Documents](#)

Title: Nontank Vessel Response Plans and Other Vessel Response Plan Requirements [USCG-2008-1070]

Abstract: This rulemaking would establish regulations requiring owners or operators of nontank vessels to prepare and submit oil spill response plans. The Federal Water Pollution Control Act defines nontank vessels as self-propelled vessels of 400 gross tons or greater that operate on the navigable waters of the United States, carry oil of any kind as fuel for main propulsion, and are not tank vessels. The rulemaking would specify the content of a response plan, and among other issues, address the requirement to plan for responding to a worst case discharge and a substantial threat of such a discharge. Additionally, this rulemaking would update international Shipboard Oil Pollution Emergency Plan (SOPEP) requirements that apply to certain nontank vessels and tank vessels. Finally, this rulemaking would require vessel owners and operators to submit their vessel response plan control number as part of the notice of arrival information. This project supports the Coast Guard's broad roles and responsibilities of maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 33 CFR 151; 33 CFR 155; 33 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 3 USC 301 to 303; 33 USC 1223; 33 USC 1231; 33 USC 3121; 33 USC 1903; 33 USC 1908; 46 USC 6101

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/31/2009	74 FR 44970
Public Meeting	09/25/2009	74 FR 48891
NPRM Comment Period End	11/30/2009	



Final Rule

08/00/2010

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA19; Related to 1625-AA26

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB28

 [View Related Documents](#)

Title: Notice of Arrival on the Outer Continental Shelf

Abstract: Currently, foreign vessels arriving at a place on the Outer Continental Shelf (OCS) need not provide any advance notice to the Coast Guard. In order to improve Maritime Domain Awareness and security on the OCS, the rule would require each foreign vessel intending to arrive at a place on the OCS to provide the National Vessel Movement Center (NVMC) with an advance notice of arrival (NOA). The Coast Guard proposes placing those same requirements on U.S. units arriving on and engaging in OCS activities from foreign ports or places because they pose the same security risks as foreign vessels. The data to be included in the notices, and the times at which the notices must be submitted, would be similar to the existing requirements, in 33 CFR part 160, for NOAs from ships arriving at a port or place in the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 146 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-347, sec 109; 33 USC 1223; Outer Continental Shelf Lands Act; 33 USC 1226

Legal Deadline: Section 109 of the SAFE Port Act requires the Coast Guard to promulgate NOA regulations for foreign vessels on the OCS within 180 days of passage of the Act. The President signed the Act on October 13, 2006, and the deadline passed on April 11, 2007.

Action	Source	Description	Date
Other	Statutory	PL 109-347, sec 109	04/11/2007

Timetable:

Action	Date	FR Cite
NPRM	06/22/2009	74 FR 29439
NPRM Comment Period End	09/21/2009	
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard (USCG)

RIN: 1625-AB33

 [View Related Documents](#)

Title: Protection for Whistle Blowers in the Coast Guard (USCG-2009-10239)

Abstract: The Coast Guard is amending its "Coast Guard Whistleblower Protection" regulations to conform to statutory protections for all members of the armed forces. The revised regulations broaden the protection already afforded uniformed members of the Coast Guard by: (1) providing other persons and organizations in addition to members of Congress or an Inspector General to whom Coast Guard members may take protected communications, and (2) expanding the subject matter of protected communications to include sexual harassment and discrimination, among other subjects. Additionally, changes to the regulations update the responsibilities of the Inspector General of the Department of Homeland Security to conform to relevant statutory provisions.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 53 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 10 USC 1034

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA50

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Department of Homeland Security (DHS)  
U.S. Coast Guard (USCG)

RIN: 1625-AA00

 [View Related Documents](#)

Title: Safety Zone Regulations

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety of events, vessels, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones, defined in 33 CFR 165.20, are established for events such as fireworks displays, high-speed races, bridge repairs, dredging, or salvage operations, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Safety zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship. Safety zones under the Outer Continental Shelf Lands Act are also included in these routine and frequent regulations. A total of 150 events are expected annually.

Priority: Routine and Frequent  
Major: No  
CFR Citation: 33 CFR 147; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
Legal Authority: 14 USC 85; 33 USC 1226; 33 USC 1231; 33 USC 1333; 50 USC 191; 50 USC 195  
Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Action Will Continue Through 2009 to 2010	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No  
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Government Levels Affected: No  
Federalism: No

Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA01

 [View Related Documents](#)

Title: Special Anchorage Areas/Anchorage Grounds Regulations

Abstract: These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals because they have been found to be unnecessary to maintain marine safety in this environment. These special anchorage areas are limited geographically, and depending on the purpose of the designation, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel, that may use the anchorage, and may place time and other restrictions on its use. Regulations designating special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's broad role and responsibility of maritime safety. Approximately five actions are expected annually.

Priority: Routine and Frequent  
Major: No  
CFR Citation: 33 CFR 110 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071  
Legal Deadline: None

Agenda Stage of Rulemaking: Long-term Action  
Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
Actions Will Continue Through 2009 to 2010	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
Energy Affected: No  
Agency Contact: George Detweiler

Government Levels Affected: No  
Federalism: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA02

 [View Related Documents](#)

Title: Discharge-Removal Equipment for Vessels Carrying Oil

Abstract: The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's broad role and responsibility of maritime stewardship. This project is considered significant because of substantial public interest.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1321

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/1992

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	08/30/1991	56 FR 43534
ANPRM Comment Period End	10/16/1991	
NPRM	09/29/1992	57 FR 44912
NPRM Comment Period End	10/29/1992	
NPRM Comment Period Extended	10/26/1992	57 FR 48489
NPRM Comment Period Extended	11/16/1992	57 FR 48489
Interim Final Rule	12/22/1993	58 FR 67988
Correction	01/26/1994	59 FR 3749
Interim Final Rule Effective	01/21/1994	
Interim Final Rule Comment Period End	02/22/1994	

Additional Information: Old docket number is CGD 90-068

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA08

 [View Related Documents](#)

Title: Regatta and Marine Parade Regulations

Abstract: These routine and frequent, special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding 8 hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship with regard to the mobility of commercial and recreational vessel traffic. A total of 70 actions are expected annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1233

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Action Will Continue Through 2009 to 2010	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA09

 [View Related Documents](#)

Title: Drawbridge Regulations

Abstract: These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship in relation to the mobility of commercial and recreational vessel traffic. The total actions expected is 140 annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 117 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 499

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Actions Will Continue Through 2009 to 2010	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: Business; Governmental  
Jurisdictions

Government Levels Affected: No  
Federalism: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA11

 [View Related Documents](#)

Title: Regulated Navigation Areas

Abstract: These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime safety, and maritime stewardship. A total of 5-10 actions are expected annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1231; 33 USC 1226; 46 USC 701; 50 USC 191; 50 USC 195

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Actions Will Continue Through 2009 to 2010	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No

Government Levels Affected: No  
Federalism: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA12

 [View Related Documents](#)

Title: Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625-AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 154 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1321(j); PL 101-380

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	05/03/1996	61 FR 20084
Notice of Public Hearings	07/03/1996	61 FR 34775
ANPRM Comment Period End	09/03/1996	
NPRM	03/31/2000	65 FR 17416
NPRM Comment Period End	06/29/2000	

Additional Information: Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA, on May 10 and 11, 2000.

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA13

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA13

 [View Related Documents](#)

Title: Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354)

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry bulk hazardous substances. A separate rulemaking, under RIN 1625-AA12, would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's

broad roles and responsibilities of maritime safety and maritime stewardship by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1231; 33 USC 1321(j); PL 101-380

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	05/03/1996	61 FR 20084
Notice of Public Hearings	07/03/1996	61 FR 34775
ANPRM Comment Period End	09/03/1996	
NPRM	03/22/1999	64 FR 13734
NPRM Comment Period Extended	06/15/1999	64 FR 31994
Notice of Public Hearing	06/15/1999	64 FR 31994
NPRM Comment Period End	06/21/1999	
NPRM Extended Comment Period End	08/30/1999	

Additional Information: Old Docket Number CGD 94-032. Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in Houston, TX, on August 12 and 13, 1999.

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA12

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA14

 [View Related Documents](#)

Title: Numbering of Undocumented Barges (USCG-1998-3798)

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 189 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 12301



Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Request for Comments	10/18/1994	59 FR 52646
Comment Period End	01/17/1995	
ANPRM	07/06/1998	63 FR 36384
ANPRM Comment Period End	11/03/1998	
NPRM	01/11/2001	66 FR 2385
NPRM Comment Period End	04/11/2001	
NPRM Reopening of Comment Period	08/12/2004	69 FR 49844
NPRM Comment Period End	11/10/2004	

Additional Information: Old Docket Number CGD 93-091.

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA17

 [View Related Documents](#)

Title: Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623)

Abstract: This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory and is voluntary for those river barge operators who seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 45 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 51

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	11/02/1998	63 FR 58679
NPRM Comment Period Extended	12/28/1998	63 FR 71411
NPRM Comment Period End	01/04/1999	
NPRM Comment Period End	03/04/1999	
Interim Final Rule	04/23/2002	67 FR 19685

Interim Final Rule Effective	05/23/2002	
Collection of Information Sections Effective	06/20/2002	
Interim Final Rule--Announcement of Effective Date of COI Sections	06/20/2002	67 FR 41847
Interim Final Rule Comment Period End	10/23/2002	

Additional Information: Old Docket Number CGD 95-015.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA21

 [View Related Documents](#)

Title: Commercial Diving Operations (USCG-1998-3786)

Abstract: This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1978. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any impact of the rules upon small entities. The project supports the Coast Guard Maritime Safety, Security and Stewardship Program's role and responsibility of reducing deaths and injuries on U.S. commercial vessels and the Coast Guard's broad role and responsibility of maritime safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 197 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	06/26/1998	63 FR 34840
ANPRM Comment Period Extended	09/23/1998	63 FR 50848
ANPRM Comment Period End	11/09/1998	
Second ANPRM	01/06/2009	74 FR 414
Second ANPRM Comment Period End	03/09/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA22

 [View Related Documents](#)

Title: Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)

Abstract: This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Maritime Safety, Security and Stewardship Program's roles and responsibilities in reducing the amount of oil discharged into the marine environment and the Coast Guard's broad role and responsibility of maritime stewardship and maritime safety. This is a significant action due to substantial public interest.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR ch I, subchapter P (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1223 and 1224

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	11/24/1998	63 FR 64937
ANPRM Comment Period End	05/24/1999	

Regulatory Flexibility Analysis

Government Levels Affected: Local; State; Tribal

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA25

 [View Related Documents](#)

Title: Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080)

Abstract: This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's broad role and responsibility of strengthening regimes for the U.S. maritime domain and developing a national capacity

for MTS recovery.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 97 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 3306

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	12/01/2000	65 FR 75201
NPRM Comment Period End	03/01/2001	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA59

 [View Related Documents](#)

Title: Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)

Abstract: The Coast Guard maintains two separate sets of procedural rules: (1) The administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; and (2) those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the broad role and responsibility of the Coast Guard to promote maritime safety. It would also align our rules with the Coast Guard and Maritime Transportation Act of 2004.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 20; 46 CFR 5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 7701 and 7702; 33 USC 1321; 42 USC 9609

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Supplemental NPRM	00/00/0000	
NPRM	04/06/1998	63 FR 16731
NPRM Comment Period End	05/06/1998	
NPRM Comment Period Reopened	05/20/1998	63 FR 27700

NPRM Comment Period End	06/19/1998	
Interim Final Rule	05/24/1999	64 FR 28054
Interim Final Rule Correction	06/28/1999	64 FR 34540
Interim Final Rule Effective	06/23/1999	
Interim Final Rule Comment Period End	07/23/1999	
Interim Final Rule Comment Period Reopened	10/05/1999	64 FR 53970
Interim Final Rule Comment Period End	04/03/2000	

Additional Information: This rulemaking revises in part the previous docket of CGD 94-101, which was terminated on December 20, 1995.

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA81

 [View Related Documents](#)

Title: Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)

Abstract: This rulemaking describes enhancements to the application procedures for the "Merchant Mariners Documents" required for ocean-going and Great Lakes vessels of over 100 gross tons. This includes showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity, fingerprinting, and a background check.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 12 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Notice of Meeting	02/20/2003	68 FR 8326
Notice of Policy	04/08/2003	68 FR 17064
Interim Final Rule	01/06/2004	69 FR 526
Correction to Interim Final Rule	02/11/2004	69 FR 6575
Interim Final Rule Comment Period End	04/05/2004	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA85; Related to 1625-AA41; Related to 1625-AB02

Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA85

 [View Related Documents](#)

Title: Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)

Abstract: This rule imposes certain security-related requirements on merchant mariners in order to obtain a license or certificate of registry (COR). Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel. This appearance requirement is intended to be an interim measure until the appearance requirement in the Transportation Worker Identification Credential rulemaking is fully implemented.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 46 USC 2103; DHS Delegation No. 0170.1, para (92)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	01/13/2006	
Interim Final Rule	01/13/2006	71 FR 2154
Interim Final Rule Comment Period End	04/13/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA81; Related to 1625-AB02

Related Agencies: Common: TSA

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA87

 [View Related Documents](#)

Title: Security Zone Regulations

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the

security of vessels, waterfront facilities, or individuals. Many of these zones are of short duration, a few hours to a few days, and all are geographically limited in area. Security zones are established for Presidential or Vice Presidential visits, high-profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Some security zones are implemented only at heightened security levels and only for the duration of the heightened alert. Security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime security, safety, and stewardship. The total number of actions expected is 100 annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1226; 33 USC 1231; 50 USC 191; 33 CFR 6

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Actions Will Continue Through 2009 to 2010	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA99

 [View Related Documents](#)

Title: Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System (USCG-2005-21869)

Abstract: This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness. The NOAD portion of this rulemaking would expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require that a notice of departure be submitted for all vessels required to submit a notice of arrival, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking will expand current AIS carriage requirements for the population identified in the Marine Transportation Security Act (MTSA) of 2002.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 160; 33 CFR 161; 33 CFR 164; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1223; 33 USC 1225; 33 USC 1231; 46 USC 3716; 46 USC 8502 and ch 701; sec 102 of PL 107-295

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	12/16/2008	73 FR 76295
Notice of Public Meeting	01/21/2009	74 FR 3534
Notice of Second Public Meeting	03/02/2009	74 FR 9071
Notice of Second Public Meeting Comment Period End	04/15/2009	
NPRM Comment Period End	04/15/2009	

Additional Information: Legal Deadline: With regard to the legal deadline, we have indicated in past notices and rulemaking documents, and it remains the case, that we have worked to coordinate implementation of AIS MTSA requirements with the development of our ability to take advantage of AIS data (68 FR 39355-56 and 39370, July 1, 2003).

## Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Business

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB13

 [View Related Documents](#)

Title: Revision of LNG and LHG Waterfront Facility General Requirements

Abstract: This project would revise 33 CFR part 127 requirements for waterfront facilities that handle liquid hazardous gas (LHG) and liquid natural gas (LNG). It would harmonize Coast Guard regulations with those of the Federal Energy Regulatory Commission (FERC) for LNG issues. It would also include requirements for LHG facilities that are similar to those for LNG facilities.

Priority: Substantive, Nonsignificant

Major: No

CFR Citation: 33 CFR 127 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1225 and 1226; 33 USC 1231; 46 USC 70102 and 70103; 50 USC 191; Department of Homeland Security Delegation No. 0170.1

Legal Deadline: None

Agenda Stage of Rulemaking: Long-term Action

Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	04/28/2009	74 FR 19158
NPRM Comment Period End	06/29/2009	



Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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Government Levels Affected: No

Federalism: No

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB20

 [View Related Documents](#)

Title: Passenger Weight and Inspected Vessel Stability Requirements (USCG-2007-0030)

Abstract: The Coast Guard proposes developing a rule that addresses both the stability calculations and the environmental operating requirements for certain domestic passenger vessels. The proposed rule would address the outdated per-person weight averages that are currently used in stability calculations for certain domestic passenger vessels. In addition, the proposed rule would add environmental operating requirements for domestic passenger vessels that could be adversely affected by sudden inclement weather. This rulemaking would increase passenger safety by significantly reducing the risk of certain types of passenger vessels capsizing due to either passenger overloading or operating these vessels in hazardous weather conditions. This rulemaking would support the Coast Guard's broad role and responsibility of maritime safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 115; 46 CFR 71; 46 CFR 122; 46 CFR 170; 46 CFR 171; 172; 174; 46 CFR 176; 46 CFR 178; 46 CFR 185; 46 CFR 114; 46 CFR 175; 46 CFR 179 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1321(j); 43 USC 1333; 46 USC 2103, 2113, 3205, 3301, 3306, 3307, 3703, 5115, 6101; 49 USC App 1804; EO 11735; EO 12234; Dept of Homeland Security Delegation No 0170.1; PL 103-206, 107 Stat 2439; 49 USC App 1804; EO 11735

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/20/2008	73 FR 49244
NPRM Comment Period End	11/18/2008	
NPRM Comment Period Reopened	12/08/2008	73 FR 74426
Comment Period End	02/06/2009	
NPRM Comment Period Reopened	02/18/2009	74 FR 7576
Comment Period End	03/20/2009	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard (USCG)

RIN: 1625-AB21

 [View Related Documents](#)

Title: Transportation Worker Identification Credential (TWIC); Card Reader Requirements (USCG-2007-28915)

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR, subchapter H (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1226 and 1231; 46 USC ch 701; 50 USC 191 and 192; EO 12656

Legal Deadline: The final rule is required 2 years after the commencement of the pilot program.

Action	Source	Description	Date
Other	Statutory	SAFE Port Act, codified at 46 USC 70105(k)	08/20/2010

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
ANPRM	03/27/2009	74 FR 13360
Notice of Public Meeting	04/15/2009	74 FR 17444
Notice of Public Meeting Comment Period End	05/26/2009	
ANPRM Comment Period End	05/26/2009	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AB02; Related to 1652-AA41

Related Agencies: Common: TSA

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Department of Homeland Security (DHS)  
U.S. Coast Guard (USCG)

RIN: 1625-AB26

 [View Related Documents](#)

Title: Implementation of Vessel Security Officer Training and Certification Requirements--International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978

Abstract: The Coast Guard proposes to amend its regulations to implement the vessel security officer training and certification amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and the Seafarers' Training, Certification and Watchkeeping Code. These proposed amendments seek to incorporate the training and qualifications requirements for vessel security officer into the requirements for the credentialing of United States Merchant Mariners.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 104; 46 CFR 10; 46 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1226; 33 USC 1231; 46 USC 701; 50 USC 191; 33 CFR 1.05-1; 33 CFR 6.04-11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Security Delegation No 0170

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	05/20/2008	73 FR 29060
Interim Final Rule Effective	06/19/2008	
Interim Final Rule Comment Period End	07/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA16

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB30

 [View Related Documents](#)

Title: Consolidate Cruise Ship Regulations (USCG-2006-23846)

Abstract: This rulemaking proposes requirements for the screening of persons, baggage, and personal items intended for boarding a cruise ship. New screening regulations would enhance the Coast Guard's broad role and responsibility of maritime security. It will implement one component of the total security of cruise ships that visit U.S. ports, and the U.S. terminals that receive them.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR subchapter H (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 33 USC 1226, 1231

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB32

 [View Related Documents](#)

Title: Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard [USCG-2008-1259]

Abstract: The proposed rule will operate in two ways. First, it will describe the Coast Guard's view of the preemptive effect of certain current Coast Guard regulations. This analysis will apply to previously promulgated regulations even if a complete description of federalism implications was clearly articulated in the development of the regulation. Second, the rule will set forth criteria and a process that the Coast Guard will undertake in future regulatory projects for evaluating the preemptive impact of those regulations. This part of the analysis is prospective in nature and will lay out a roadmap for future regulatory projects regarding federalism and preemption principles. This rulemaking will support the Coast Guard's broad role and responsibility of further enhancing maritime stewardship by reinforcing a uniform maritime regulatory regime that is predictable and useful for maritime interests regardless of which port is used.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 1.06 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 14 USC 91; 33 USC 1223, 1231; 46 USC 3306, 3703a, 3717, 4302, 6101; DHS Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB36

 [View Related Documents](#)

Title: Amendment to General Bridge Regulations [USCG-2008-1188]

Abstract: This rulemaking would define the terms "Unreasonable Obstruction to Navigation" and "Unused or Abandoned Bridges" and clarify the use of these terms as applied to the USCG's ability to require the owner to remove a bridge that is no longer used for land transportation purposes.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 114 and 114.05; 33 CFR 118 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 494; 33 USC 502

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB39

 [View Related Documents](#)

Title: Great Lakes Pilotage Rates--2010 Annual Review and Adjustment

Abstract: The Coast Guard is proposing to update the rates for pilotage on the Great Lakes by 5.07 percent to generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment. The proposed update reflects an August 1, 2010, increase in benchmark contractual wages and benefits, as well as an increase in the ratio of pilots to "bridge hours." This rulemaking promotes the Coast Guard strategic goal of maritime safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 401 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 9303(f)

Legal Deadline: This deadline is intended to ensure current pilotage rates for the Great Lakes are in place at the beginning of each shipping season.

Action	Source	Description	Date
Other	Statutory	The statutory deadline is March 1st of each year.	03/01/2010

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	10/30/2009	74 FR 56153
NPRM Comment Period End	11/30/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA10

 [View Related Documents](#)

Title: Escort Vessels in Certain U.S. Waters (USCG-2006-23556)

Abstract: This rule would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. On April 15th, 2008, the Coast Guard announced its intention to withdraw this rulemaking. Because of the length of time since the original ANPRM was published, the Coast Guard requested additional public comment before proceeding with the withdrawal. The Coast Guard has decided that nationwide Coast Guard action to extend statutory escort vessel requirements is not advisable, and that escort vessels may be required in other waters or for vessels other than single-hulled oil tankers only after specific Coast Guard consideration of local conditions and possible alternative safety measures. These requirements would be implemented at the local level by Coast Guard District Commanders.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 168 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 101-380, sec 4116(c) (codified as 46 USC 373 note)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	04/27/1993	58 FR 25766
ANPRM Comment Period End	06/28/1993	
Request for Comments	12/21/1994	59 FR 65741
NPRM Comment Period End	02/13/1995	
Notice and Request for Comments	04/15/2008	73 FR 20232
Comment Period End	07/14/2008	
Notice of Withdrawal	08/18/2009	74 FR 41646

Additional Information: This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound. The former docket number is CGD 91-202a.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 2115-AE10

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---

Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AA26

 [View Related Documents](#)

Title: Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)

Abstract: This rulemaking will make changes to certain requirements for Vessel Response Plans and Marine Transportation

Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from navigable waters of the United States adjoining shorelines and the Exclusive Economic Zone. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 154 and 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1231; 33 USC 1321(j)(1)(C), 1321(j)(5), 1321(j)(6), 1321(m)(2); 33 USC 2735; EO 12777; EO 11735; DHS Delegation No. 0170.1; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/11/2002	67 FR 63331
NPRM Comment Period Extended	11/19/2002	67 FR 69697
NPRM Comment Period End	01/09/2003	
Extended NPRM Comment Period End	04/08/2003	
Final Rule	08/31/2009	74 FR 45004

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA90

 [View Related Documents](#)

Title: Pollution Prevention Equipment (USCG-2004-18939)

Abstract: This rulemaking amends the Coast Guard's oil pollution prevention equipment regulations to make them consistent with new International Maritime Organization (IMO) guidelines and specifications issued under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex I. These revisions will implement MARPOL Annex I regulations and are intended to reduce the amount of oil discharged from vessels and eliminate the use of ozone-depleting solvents in equipment tests. This rule will require all vessels replacing or installing oil separators and bilge alarms to install equipment that meets revised standards and it will require newly constructed vessels carrying oil in bulk to install monitoring systems that meet the revised standards. This project supports the Coast Guard's broad roles and responsibilities of maritime safety and stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 155; 33 CFR 157; 46 CFR 162 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1903; 46 USC 3703; DHS Delegation No. 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/03/2005	70 FR 67066
NPRM Comment Period End	02/01/2006	

Interim Rule	01/16/2009	74 FR 3364
Interim Rule Effective	03/17/2009	
Interim Rule Comment Period End	04/16/2009	
Final Rule	10/13/2009	74 FR 52413
Final Rule Effective	11/12/2009	

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: Business; Governmental  
Jurisdictions; Organizations

Government Levels Affected: State

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AA92

 [View Related Documents](#)

Title: Alternate Compliance Program: Vessel Inspection Alternatives (USCG-2004-19823)

Abstract: This rulemaking would: Update the list in 46 CFR 2.01-25 of those International Convention for Safety of Life at Sea (SOLAS) certificates required to be carried onboard and certificates that may be issued by an authorized classification society; Add, in 46 CFR 8.320(b), the following safety certificates to the list of international certificates that can be issued by an authorized classification society: SOLAS Passenger Ship Safety Certificate (PSSC); IMO High-Speed Craft (HSC) Safety Certificate; Add a condition to 46 CFR 8.420(c) stating that, in order for a recognized class society to be fully eligible to participate in the ACP, it must first be delegated issuing authority for the following certificates: SOLAS Cargo Ship Safety Construction Certificate; SOLAS Cargo Ship Safety Equipment Certificate; International Load Line Certificate; International Tonnage Certificate; International Oil Pollution Prevention Certificate; Extend eligibility in the ACP to Oceanographic Research Vessels by adding a new section 46 CFR 189.15-5 to reference part 8, and remove references to the American Bureau of Shipping (ABS) throughout the ACP regulations and replace them with references to "authorized classification society." This rulemaking is intended to expand the benefits available under the ACP. This project supports the Coast Guard's broad roles and responsibilities of facilitating maritime safety and stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 2; 46 CFR 8; 46 CFR 189 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1903; 43 USC 1333; 46 USC 3703; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/22/2007	72 FR 28650
NPRM Comment Period End	07/23/2007	
Final Rule	05/04/2009	74 FR 20416

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB16

 [View Related Documents](#)

Title: Large Passenger Ship Crew Requirements (USCG-2007-27761)

Abstract: The Coast Guard is creating a Merchant Mariner's Document (MMD) citizenship exemption for stewards who will be working aboard large passenger vessels. This action was mandated by Congress in 46 U.S.C. 8103(k). The rulemaking supports the Coast Guard's broad role and responsibility of Maritime Safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 8103(k); 14 USC 633; 31 USC 9701; 46 USC 2101, 2103, 2110; 46 USC ch 71; 46 USC 7502, 7505, 7701, 8906; Department of Homeland Security Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/24/2007	72 FR 20278
Interim Final Rule Comment Period End	07/23/2007	
Final Rule	09/17/2009	74 FR 47729
Final Rule Effective	10/19/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB19

 [View Related Documents](#)

Title: Crewmember Identification Documents (USCG-2007-28648)

Abstract: This rulemaking would require each crewmember on a foreign commercial vessel en route to a U.S. port or place of destination or at a U.S. port or place, or on a U.S. commercial vessel coming from a foreign port or place of departure to a U.S. port or place of destination, to carry and present upon demand an acceptable identification when in U.S. navigable waters. The vessel operator would also be required to ensure that crewmembers comply with this requirement. We expect the following five documents would be considered acceptable identification for crewmembers: a passport; a U.S. Permanent Resident Card; a U.S. Merchant Mariner's Document (MMD); a Transportation Worker Identification Credential (TWIC); and a Seafarer's

Identification Document (SID) meeting all the requirements of International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185). We expect that most crewmembers already have one or more of these five documents. Should the proposed U.S. merchant mariner credential (MMC) rule (1625-AB02) become effective before a crewmember identification documents final rule is issued, we expect that the MMC would also be considered an acceptable identification document.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1223; 33 USC 1231; 46 USC 70111

Legal Deadline: Under 46 USC 70111, the Secretary, in consultation with the Attorney General and the Secretary of State, shall require crewmembers on vessels calling at United States ports to carry and present on demand any identification that the Secretary decides is necessary.

Action	Source	Description	Date
Other	Statutory		10/13/2007

Timetable:

Action	Date	FR Cite
NPRM	05/14/2008	73 FR 27778
NPRM Comment Period End	07/14/2008	
Final Rule	04/28/2009	74 FR 19135

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1625-AA16; Related to 1625-AA99; Related to 1625-AB02

Related Agencies: Common: DOJ; Common: DOS

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB24

 [View Related Documents](#)

Title: Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Reduction Act

Abstract: This rulemaking creates a joint Coast Guard and NOAA definition of the term "marine debris" as required by the Marine Debris Research, Prevention, and Reduction Act, Public Law 109-449 section 5(b) (the Act). This definition will be added to 33 CFR part 151 and 15 CFR part 909, and will fulfill the statutory requirement in the Act. The Act does not authorize NOAA or the Coast Guard to undertake any regulatory actions other than the promulgation of this definition, and the proposed definition of marine debris does not affect the regulatory or management activities of other federal agencies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 151.3000; 15 CFR 909 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL109-449(5)(b)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	05/27/2008	73 FR 30322
NPRM Comment Period End	07/28/2008	
Final Action	09/03/2009	74 FR 45555

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related Agencies: Joint : NOAA

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Department of Homeland Security (DHS)

U.S. Coast Guard ( USCG )

RIN: 1625-AB29

 [View Related Documents](#)

Title: 2009 Rates for Pilotage on the Great Lakes (USCG-2008-1126)

Abstract: The Coast Guard is required by statute to review and, if necessary, to adjust rates for pilotage services on U.S. waters of the Great Lakes. Review and adjustment takes place in accordance with 46 U.S.C. 9303(f), as amended by Public Law 109-241, section 302, and the Coast Guard regulations in 46 CFR parts 400 through 404, and is intended to provide rates that will generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment. The annual rate review and adjustment promotes the Coast Guard broad roles and responsibilities of maritime safety and maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 401 to 404 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 9303(f)

Legal Deadline:

Action	Source	Description	Date
NPRM	Statutory	The statutory deadline is March 1 of each year.	03/01/2009

## Timetable:

Action	Date	FR Cite
NPRM	04/24/2009	74 FR 18669
NPRM Comment Period End	05/26/2009	
Final Rule	07/21/2009	74 FR 35812

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No  
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Department of Homeland Security (DHS)  
U.S. Coast Guard ( USCG )

RIN: 1625-AB31

 [View Related Documents](#)

Title: International Air Pollution Prevention (IAPP) Certificates (USCG-2008-1014)

Abstract: In this rulemaking, we would add the International Air Pollution Prevention (IAPP) certificate to the list of certificates that a recognized classification society can be authorized to issue on the Coast Guard's behalf. We also explain how owners and operators of U.S. ships can take steps to exchange a valid Statement of Voluntary Compliance for the IAPP certificate. This project supports the Coast Guard's broad roles of maritime safety, security and stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 8.320 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: PL 110-280; 122 Stat 2611; 33 USC 1901, 1903

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/08/2009	74 FR 21554
Direct Final Rule Comment Period End	06/22/2009	
Direct Final Rule Confirmation of Effective Date	07/07/2009	74 FR 32088
Direct Final Rule Effective	08/06/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA45

 [View Related Documents](#)

Title: Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines

Abstract: Amendment to parts 4, 18, 113, 122, 123, 146, and 158 of the Customs and Border Protection regulations concerning cargo information (manifest) discrepancy reporting requirements for all modes of commercial transportation (air, sea, rail, and truck). Amendment sets forth corresponding guidelines for the assessment of penalties or claims for liquidated damages for manifesting violations. Amendment would require that any discrepancy from previously filed cargo information be

reported to CBP by the responsible party immediately upon discovery and that such reports, with limited exceptions, be submitted to CBP in an electronic format. Amendment would eliminate Customs Form 5931 and require that cargo declaration information be kept for a period of 5 years after conveyance arrival. Also provides (as Appendices to the regulations) guidelines for the assessment of penalties for failing to reporting discrepancies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 4; 19 CFR 18; 19 CFR 113; 19 CFR 122 and 123; 19 CFR 146; 19 CFR 158 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433 and 1434; 19 USC 1436; 19 USC 1581; 19 USC 1584; 19 USC 1498; 46 USC app 3; 46 USC app 91

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Additional Information: Transferred from RIN 1515-AD26

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA68

 [View Related Documents](#)

Title: Land Border Carrier Initiative Program

Abstract: Amendment to remove from the CBP regulations the regulatory provisions pertaining to the Land Border Carrier Initiative Program (LBCIP). The LBCIP regulations enlist the voluntary cooperation of commercial carriers as part of CBP's effort to prevent the smuggling of controlled substances into the United States. Since the promulgation of the LBCIP regulations, CBP has developed a more comprehensive voluntary industry partnership known as the Customs-Trade Partnership Against Terrorism (C-TPAT). C-TPAT builds upon the best practices of LBCIP, while providing greater border and supply chain security with expanded benefits to approved participants. For this reason, CBP intends to terminate the LBCIP and focus its partnership efforts on the further development of C-TPAT.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 123; 19 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 19 CFR 66; 19 CFR 1202; 19 CFR 1431; 19 CFR 1433; 19 CFR 1436; 19 CFR 1448; 19 CFR 1624

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA73

 [View Related Documents](#)

Title: Establishment of Global Entry Program

Abstract: CBP already operates several regulatory and non-regulatory international registered traveler programs, also known as trusted traveler programs. In order to comply with the Intelligence Reform Terrorism Prevention Act of 2004 (IRPTA), CBP is proposing to amend its regulations to establish another international registered traveler program called Global Entry. The Global Entry program would expedite the movement of low-risk, frequent international air travelers by providing an expedited inspection process for pre-approved, pre-screened travelers. These travelers would proceed directly to automated Global Entry kiosks upon their arrival in the United States. This Global Entry Program, along with the other programs that have already been established, are consistent with CBP's strategic goal of facilitating legitimate trade and travel while securing the homeland. A pilot of Global Entry has been operating since June 6, 2008.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 235; 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1365b(k)(1); 8 USC 1365b(k)(3); 8 USC 1225; 8 USC 1185(b)

Legal Deadline: None

## Regulatory Plan:

Statement of Need: CBP has been operating the Global Entry program as a pilot at several airports since June 6, 2008, and the pilot has been very successful. As a result, there is a desire on the part of the public that the program be established as a permanent program, and expanded, if possible. By establishing this program, CBP will make great strides toward facilitating the movement of people in a more efficient manner, thereby accomplishing our strategic goal of balancing legitimate travel with security. Through the use of biometric and record-keeping technologies, the risk of terrorists entering the United States would be reduced. Improving security and facilitating travel at the border, both of which are accomplished by Global Entry, are primary concerns within CBP jurisdiction.

## Legal Basis:

## Alternatives:

Costs and Benefits: Global Entry is a voluntary program that provides a benefit to the public by speeding the CBP processing time for participating travelers. Travelers who are otherwise admissible to the United States will be able to enter or exit the country regardless of whether they participate in Global Entry. CBP estimates that over a five year period, 250,000 enrollees will be processed (an annual average of 50,000 individuals). CBP will charge a fee of \$100 per applicant and estimates that each application will require 40 minutes (0.67 hours) of the enrollee's time to search existing data resources, gather the data needed, and complete and review the application form. Additionally, an enrollee will experience an "opportunity cost of time" to travel to an Enrollment Center upon acceptance of the initial application. We assume that one hour will be required for this time spent at the Enrollment Center and travel to and from the Center, though we note that during the pilot program, many applicants coordinated their trip to an Enrollment Center with their travel at the airport. We have used one hour

of travel time so as not to underestimate potential opportunity costs for enrolling in the program. We use a value of \$28.60 for the opportunity cost for this time, which is taken from the Federal Aviation Administration's "Economic Values for FAA Investment and Regulatory Decisions, A Guide." (July 3, 2007). This value is the weighted average for U.S. business and leisure travelers. For this evaluation, we assume that all enrollees will be U.S. citizens, U.S. nationals, or Lawful Permanent Residents.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/19/2009	74 FR 59932
NPRM Comment Period End	01/19/2010	
Final Rule	11/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.globalentry.gov](http://www.globalentry.gov)

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA75

 [View Related Documents](#)

Title: Issuance of an Arrival and Departure Form (I-94) Valid for Multiple Entries for Certain Aliens

Abstract: Under the current regulations, CBP is required to issue a new Arrival and Departure form (I-94) to an alien who has been granted an extended period of parole upon each entry to the United States. This document announces that Customs and Border Protection (CBP) is proposing to amend current regulations regarding the parole granted aliens for humanitarian reasons and for the purpose of significant public benefit to allow CBP to issue one I-94 that would be valid multiple times to aliens granted extended parole. Under this proposal, the I-94 would be valid for a specified pre-authorized period, rather than requiring CBP to continue to re-issue subsequent I-94 multiple times during the specified parole period.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212.5(e)(1)(i) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1182(d)(5)(A); 8 USC 1101 and note; 8 USC 1102 and 1103; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA79

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Title: Further Consolidation of CBP Drawback Centers

Abstract: This document proposes to amend the U.S. Customs and Border Protection (CBP) Regulations to reflect a planned closing of the CBP drawback center at the Port of Los Angeles-Long Beach (Los Angeles), California. CBP believes that the further consolidation in the number of drawback processing centers from five to four is necessary because of decreases in claim filings and drawback claim values at the Los Angeles center. This proposed closure of this drawback center is intended to conserve resources, increase efficiency, exercise fiscal responsibility, and promote greater uniformity in the processing of drawback claims.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 101.3 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 19 USC 2; 19 USC 66; 19 USC 1202 ((General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS); 19 USC 1623; 19 USC 1624; 19 USC 1646a; 19 USC 1; 19 USC 58b; 19 USC 2075(g)(92)(G)(C)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA58

 [View Related Documents](#)

Title: Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws

Abstract: Amendment of the former Immigration and Naturalization Service Regulations to bring them into confluence with the Customs and Border Protection (CBP) pre forfeiture petition process as provided in the CBP Regulations. The Homeland Security Act of 2002 gives CBP the authority to coordinate and unify the administrative petition process CBP uses for seizures and forfeitures based on violations of immigration laws with that process used by CBP for violations of customs laws.

Amendment is also made to the CBP Regulations to state that seizures effected by Immigration and Customs Enforcement under the customs and navigation laws will continue to be processed under the CBP Regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No



CFR Citation: 8 CFR 274; 19 CFR 162 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 6 USC 101; 8 USC 1103; 8 USC 1324(b); 19 USC 66; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/19/2008	73 FR 9010
Interim Final Rule Comment Period End	04/21/2008	
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA60

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Title: Extension of Time Limit on Admission of Certain Mexican Nationals

Abstract: The rule extends the period of time certain Mexican nationals may remain in the United States without obtaining additional immigration documentation. The rule extends the time limit to which border crossing card holders may remain in the United States for up to 30 days without being issued a Form I-94. The rule is intended to promote commerce along the border while ensuring that sufficient safeguards are in place to prevent illegal entry into the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/2004	69 FR 50051
Interim Final Rule Comment Period End	10/12/2004	
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection (USCBP)

RIN: 1651-AA70

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Title: Importer Security Filing and Additional Carrier Requirements

Abstract: This interim final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. It amends CBP Regulations to require carriers and importers to provide to CBP, via a CBP approved electronic data interchange system, information necessary to enable CBP to identify high-risk shipments to prevent smuggling and insure cargo safety and security. Under the rule, importers and carriers must submit specified information to CBP before the cargo is brought into the United States by vessel. This advance information will improve CBP's risk assessment and targeting capabilities, assist CBP in increasing the security of the global trading system, and facilitate the prompt release of legitimate cargo following its arrival in the United States.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 19 CFR 4; 19 CFR 12.3; 19 CFR 18.5; 19 CFR 103.31a; 19 CFR 113; 19 CFR 123.92; 19 CFR 141.113; 19 CFR 146.32; 19 CFR 149; 19 CFR 192.14 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-347, sec 203; 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433 to 1434; 19 USC 1624; 19 USC 2071 note; 46 USC 60105

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: Vessel carriers are currently required to transmit certain manifest information by way of the CBP Vessel Automated Manifest System (AMS) 24 hours prior to lading of containerized and non-exempt break bulk cargo at a foreign port. For the most part, this is the ocean carrier's or non-vessel operating common carrier (NVOCC)'s cargo declaration. CBP analyzes this information to generate its risk assessment for targeting purposes. Internal and external government reviews have concluded that more complete advance shipment data would produce even more effective and more vigorous cargo risk assessments. In addition, pursuant to section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109-347, 6 U.S.C. 943) (SAFE Port Act), the Secretary of Homeland Security, acting through the Commissioner of CBP, must promulgate regulations to require the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of entry data for cargo destined to the United States by vessel prior to loading of such cargo on vessels at foreign seaports. Based upon its analysis, as well as the requirements under the SAFE Port Act, CBP is requiring the electronic transmission of additional data for improved high-risk targeting. Some of these data elements are being required from carriers (Container Status Messages and Vessel Stow Plan) and others are being required from "importers," as that term is defined for purposes of the regulations. This rule improves CBP's risk assessment and targeting capabilities and enables the agency to facilitate the prompt release of legitimate cargo following its arrival in the United States. The information will assist CBP in increasing the security of the global trading system and, thereby, reducing the threat to the United States and world economy.

Legal Basis: Pursuant to section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109-347, 6 U.S.C. 943) (SAFE Port Act), the Secretary of Homeland Security, acting through the Commissioner of CBP, must promulgate regulations to require the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of entry data for cargo destined to the United States by vessel prior to loading of such cargo on vessels at foreign seaports.

Alternatives: CBP considered and evaluated the following four alternatives: Alternative 1 (the chosen alternative): Importer Security Filings and Additional Carrier Requirements are required. Bulk cargo is exempt from the Importer Security Filing requirements; Alternative 2: Importer Security Filings and Additional Carrier Requirements are required. Bulk cargo is not exempt from the Importer Security Filing requirements; Alternative 3: Only Importer Security Filings are required. Bulk cargo is exempt from the Importer Security Filing requirements; and Alternative 4: Only the Additional Carrier Requirements are required.

Costs and Benefits: When the NPRM was published, CBP estimated that approximately 11 million import shipments conveyed by 1,000 different carrier companies operating 37,000 unique voyages or vessel-trips to the United States will be subject to the rule. Annualized costs range from \$890 million to \$7.0 billion (7 percent discount rate over 10 years). The annualized cost range results from varying assumptions about the estimated security filing transaction costs or fees charged to the importers by the filing parties, the potential for supply chain delays, and the estimated costs to carriers for transmitting additional data to CBP. Ideally, the quantification and monetization of the benefits of this regulation would involve estimating the current level of risk of a successful terrorist attack, absent this regulation, and the incremental reduction in risk resulting from implementation of the regulation. CBP would then multiply the change by an estimate of the value individuals place on such a

risk reduction to produce a monetary estimate of direct benefits. However, existing data limitations and a lack of complete understanding of the true risks posed by terrorists prevent us from establishing the incremental risk reduction attributable to this rule. As a result, CBP has undertaken a "break-even" analysis to inform decision-makers of the necessary incremental change in the probability of such an event occurring that would result in direct benefits equal to the costs of the proposed rule. CBP's analysis finds that the incremental costs of this regulation are relatively small compared to the median value of a shipment of goods despite the rather large absolute estimate of present value cost. The regulation may increase the time shipments are in transit, particularly for shipments consolidated in containers. For such shipments, the supply chain is generally more complex and the importer has less control of the flow of goods and associated security filing information. Foreign cargo consolidators may be consolidating multiple shipments from one or more shippers in a container destined for one or more buyers or consignees. In order to ensure that the security filing data is provided by the shippers to the importers (or their designated agents) and is then transmitted to and accepted by CBP in advance of the 24-hour deadline, consolidators may advance their cut-off times for receipt of shipments and associated security filing data. These advanced cut-off times would help prevent a consolidator or carrier from having to unpack or unload a container in the event the security filing for one of the shipments contained in the container is inadequate or not accepted by CBP. For example, consolidators may require shippers to submit, transmit, or obtain CBP approval of their security filing data before their shipments are stuffed in the container, before the container is sealed, or before the container is delivered to the port for lading. In such cases, importers would likely have to increase the times they hold their goods as inventory and thus incur additional inventory carrying costs to sufficiently meet these advanced cut-off times imposed by their foreign consolidators. The high end of the cost ranges presented assumes an initial supply chain delay of 2 days for the first year of implementation (2008) and a delay of 1 day for years 2 through 10 (2009 to 2017). The benefit of this rule is the improvement of CBP's risk assessment and targeting capabilities, while at the same time, enabling CBP to facilitate the prompt release of legitimate cargo following its arrival in the United States. The information will assist CBP in increasing the security of the global trading system, and thereby reducing the threat to the United States and the world economy.

**Risks:****Timetable:**

Action	Date	FR Cite
NPRM	01/02/2008	73 FR 90
NPRM Comment Period Extended	02/01/2008	73 FR 6061
NPRM Comment Period End	03/03/2008	
NPRM Comment Period End	03/18/2008	
Interim Final Rule	11/25/2008	73 FR 71730
Interim Final Rule Effective	01/26/2009	
Interim Final Rule Comment Period End	06/01/2009	
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA72

 [View Related Documents](#)

Title: Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program

Abstract: This rule implements the Electronic System for Travel Authorization (ESTA) for aliens who travel to the United States under the Visa Waiver Program (VWP) at air or sea ports of entry. Under the rule, VWP travelers are required to provide certain biographical information to CBP electronically before departing for the United States. This allows CBP to determine

before their departure, whether these travelers are eligible to travel to the United States under the VWP and whether such travel poses a security risk. The rule is intended to fulfill the requirements of section 711 of the Implementing recommendations of the 9/11 Commission Act of 2007 (9/11 Act). In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, the ESTA is intended to increase national security and to provide for greater efficiencies in the screening of international travelers by allowing for vetting of subjects of potential interest well before boarding, thereby reducing traveler delays at the ports of entry.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 217.5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1187; 8 CFR 2

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: Section 711 of the 9/11 Act requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a fully automated electronic travel authorization system that will collect biographical and other information in advance of travel to determine the eligibility of the alien to travel to the United States and to determine whether such travel poses a law enforcement or security risk. ESTA is intended to fulfill these statutory requirements. Under this rule, VWP travelers provide certain information to CBP electronically before departing for the United States. VWP travelers who receive travel authorization under ESTA are not required to complete the paper Form I-94W when arriving on a carrier that is capable of receiving and validating messages pertaining to the traveler's ESTA status as part of the traveler's boarding status. By automating the I-94W process and establishing a system to provide VWP traveler data in advance of travel, CBP is able to determine the eligibility of citizens and eligible nationals from VWP countries to travel to the United States and to determine whether such travel poses a law enforcement or security risk, before such individuals begin travel to the United States. ESTA provides for greater efficiencies in the screening of international travelers by allowing CBP to identify subjects of potential interest before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry.

Legal Basis: The ESTA program is based on congressional authority provided under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 and section 217 of the Immigration and Nationality Act (INA).

Alternatives: CBP considered three alternatives to this rule: 1. The ESTA requirements in the rule, but with a \$1.50 fee per each travel authorization (more costly) 2. The ESTA requirements in the rule, but with only the name of the passenger and the admissibility questions on the I-94W form (less burdensome) 3. The ESTA requirements in the rule, but only for the countries entering the VWP after 2009 (no new requirements for VWP, reduced burden for newly entering countries) CBP determined that the rule provides the greatest level of enhanced security and efficiency at an acceptable cost to traveling public and potentially affected air carriers.

Costs and Benefits: The purpose of ESTA is to allow DHS and CBP to establish the eligibility of certain foreign travelers to travel to the United States under the VWP, and whether the alien's proposed travel to the United States poses a law enforcement or security risk. Upon review of such information, DHS will determine whether the alien is eligible to travel to the United States under the VWP. Impacts to Air & Sea Carriers CBP estimated that eight U.S.-based air carriers and eleven sea carriers will be affected by the rule. An additional 35 foreign-based air carriers and five sea carriers will be affected. CBP concluded that costs to air and sea carriers to support the requirements of the ESTA program could cost \$137 million to \$1.1 billion over the next 10 years depending on the level of effort required to integrate their systems with ESTA, how many passengers they need to assist in applying for travel authorizations, and the discount rate applied to annual costs. Impacts to Travelers ESTA will present new costs and burdens to travelers in VWP countries who were not previously required to submit any information to the U.S. Government in advance of travel to the United States. Travelers from Roadmap countries who become VWP countries will also incur costs and burdens, though these are much less than obtaining a nonimmigrant visa (category B1/B2), which is currently required for short-term pleasure or business to travel to the United States. CBP estimated that the total quantified costs to travelers will range from \$1.1 billion to \$3.5 billion depending on the number of travelers, the value of time, and the discount rate. Annualized costs are estimated to range from \$133 million to \$366 million. Benefits As set forth in section 711 of the 9/11 Act, it was the intent of Congress to modernize and strengthen the security of the Visa Waiver Program under section 217 of the Immigration and Nationality Act (INA, 8 USC 1187) by simultaneously enhancing program security requirements and extending visa-free travel privileges to citizens and eligible nationals of eligible foreign countries that are partners in the war on terrorism. By requiring passenger data in advance of travel, CBP may be able to determine, before the alien departs for the United States, the eligibility of citizens and eligible nationals from VWP countries to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, ESTA is intended to both increase national security and provide for greater efficiencies in the screening of

international travelers by allowing for the screening of subjects of potential interest well before boarding, thereby reducing traveler delays based on potentially lengthy processes at U.S. ports of entry. CBP concluded that the total benefits to travelers could total \$1.1 billion to \$3.3 billion over the period of analysis. Annualized benefits could range from \$134 million to \$345 million. In addition to these benefits to travelers, CBP and the carriers should also experience the benefit of not having to administer the I-94W except in limited situations. While CBP has not conducted an analysis of the potential savings, it should accrue benefits from not having to produce, ship, and store blank forms. CBP should also be able to accrue savings related to data entry and archiving. Carriers should realize some savings as well, though carriers will still have to administer the I-94 for those passengers not traveling under the VWP and the Customs Declaration forms for all passengers aboard the aircraft and vessel.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Action	06/09/2008	73 FR 32440
Interim Final Rule Effective	08/08/2008	
Interim Final Rule Comment Period End	08/08/2008	
Notice - Announcing Date Rule Becomes Mandatory	11/13/2008	73 FR 67354
Final Action	01/00/2010	

Additional Information: [http://www.cbp.gov/xp/cgov/travel/id\\_visa/esta/](http://www.cbp.gov/xp/cgov/travel/id_visa/esta/)

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA74

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Title: Customs Broker License Examination Individual Eligibility Requirements

Abstract: Amendment to part 111 of title 19 of the Code of Federal Regulations with respect to the requirements an individual must satisfy in order to take the written examination for an individual customs broker's license, which is administered by Customs and Border Protection.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 111.13 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 19 USC 1641; 19 USC 66; 19 USC 1202 [General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)]; 19 USC 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/27/2008	73 FR 30328
NPRM Comment Period End	07/28/2008	
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No  
Federalism: No  
Energy Affected: No  
Agency Contact: Alfred Morawski  
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Government Levels Affected: No

Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA77

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Title: Implementation of the Guam-CNMI Visa Waiver Program

Abstract: This rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 100.4; 8 CFR 212.1; 8 CFR 233.5; 8 CFR 235.5; 19 CFR 4.7b; 19 CFR 122.49a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-229, sec 702

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Public Law 110-229	11/04/2008

Regulatory Plan:

Statement of Need: Currently, aliens who are citizens of eligible countries may apply for admission to Guam at a Guam port of entry as nonimmigrant visitors for a period of fifteen (15) days or less, for business or pleasure, without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission. Section 702(b) of the Consolidated Natural Resources Act of 2008 (CNRA), supersedes the Guam visa waiver program by providing for a visa waiver program for Guam and the Commonwealth of the Northern Mariana Islands (Guam-CNMI Visa Waiver Program). Section 702(b) requires DHS to promulgate regulations within 180 days of enactment of the CNRA to allow nonimmigrant visitors from eligible countries to apply for admission into Guam and the CNMI, for business or pleasure, without a visa, for a period of authorized stay of no longer than forty-five (45) days.

Legal Basis: The Guam-CNMI Visa Waiver Program is based on congressional authority provided under 702(b) of the Consolidated Natural Resources Act of 2008 (CNRA).

Alternatives: None

Costs and Benefits: The most significant change for admission to the CNMI as a result of the rule will be for visitors from those countries who are not included in either the existing U.S. Visa Waiver Program or the Guam-CNMI Visa Waiver Program established by the rule. These visitors must apply for U.S. visas, which require in-person interviews at U.S. embassies or consulates and higher fees than the CNMI currently assesses for its visitor entry permits. CBP anticipates that the annual cost to the CNMI will be \$6 million. These are losses associated with the reduced visits from foreign travelers who may no longer visit the CNMI upon implementation of this rule. The anticipated benefits of the rule are enhanced security that will result from the federalization of the immigration functions in the CNMI.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/16/2009	
Interim Final Rule	01/16/2009	74 FR 2824
Interim Final Rule Comment Period End	03/17/2009	
Final Action	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA00

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Title: Visa Waiver Program

Abstract: On October 30, 2000, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) a permanent program. The Visa Waiver Program (VWP), allows nationals of designated countries to apply for admission to the United States at land border ports, air and sea ports, and to enter the United States for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa. INS Rule No. 1799 finalizes all those VWP countries that were added through the publication of interim regulations. This rule will also incorporate those statutory changes made to section 217 of the Immigration and Nationality Act by the Illegal Immigration Reform and Responsibility Immigration Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 217 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 CFR 2; 8 USC 1187; 8 USC 1103; 8 USC 1356

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM--INS No. 1406-91 Comment Period End 5/22/91	05/07/1991	56 FR 21101
Final Rule--INS No. 1406-91 Eff. 7/18/91	07/18/1991	56 FR 32952
Interim Final Rule--INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/1991	56 FR 46716
Interim Final Rule--1622-93; Eff. 7/29/93; Comment Period End 8/30/93; (To Be Merged With 1447R-93)	07/29/1993	58 FR 40581
Public Notice--INS No. 1674 Eff. 10/25/94; Comment Period End 09/30/96	02/21/1995	60 FR 9699
Interim Final Rule--INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/1995	60 FR 15855
Interim Final Rule--INS No. 1777	07/08/1996	61 FR 35598
Interim Final Rule--INS No. 1782-96 With Comments (Australia)	07/29/1996	61 FR 39721
Interim Final Rule--INS 1786-96 With Comments (Slovenia)	09/30/1997	62 FR 50998
Final Rule--INS No. 1799	12/30/1998	63 FR 71726
Interim Final Rule--INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)	08/03/1999	64 FR 42006
Interim Final Rule--INS 2188-02 (Removing Argentina)	02/21/2002	67 FR 7943
Interim Final Rule	03/07/2003	68 FR 10954



Additional Information: Transferred from RIN 1115-AB93

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: No  
 Related RINs: Merge with 1115-AG25  
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Government Levels Affected: Federal  
 Federalism: No

Department of Homeland Security (DHS)  
 U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA04

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Title: Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and the Executive Office of Immigration Review (EOIR) published an interim final rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS and EOIR published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. DHS intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211 to 214; 8 CFR 216 to 217; 8 CFR 221 to 223 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 5 USC 552 to 552a; 8 USC 1101 to 1103; 8 USC 1154; 8 USC 1181 to 1186a; 8 USC 1187

Legal Deadline: This rule was automatically transferred from the former INS to CBP after the creation of DHS. The general authority to promulgate immigration regulations, with certain exceptions, now lies in the Secretary of Homeland Security as per the transfer of authority from the Attorney General in the Homeland Security Act.

Action	Source	Description	Date
Other	Statutory	The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.	03/01/1997

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Action--INS No. 1669-94	03/22/1996	61 FR 11717
NPRM--INS No. 1788-96 Comment Period End 2/3/97	01/03/1997	62 FR 444
Interim Final Rule--INS No. 1788-96 Comment Period End 7/15/97	03/06/1997	62 FR 10312
Interim Final Rule--INS No. 1788-96 Correction	04/09/1997	62 FR 17048
Interim Final Rule Correction (Effective 04/01/97)	04/01/1997	62 FR 15362
Final Rule--INS No. 1920-98	07/22/1998	63 FR 39217

Additional Information: Transferred from RIN 1115-AE47

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No



Small Entities Affected: No Federalism: No  
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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA06

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Title: Establishment of Preinspected Automated Lane (PAL) Program

Abstract: This rule amends the DHS regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Priority: Other Significant Agenda Stage of Rulemaking: Long-term Action  
Major: No Unfunded Mandates: No  
CFR Citation: 8 CFR 287; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))  
Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225 and 1226; 8 USC 1251 and 1252; 8 USC 1357; 8 CFR 2  
Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/18/1997	62 FR 19024
Interim Final Rule Comment Period End	06/17/1997	

Additional Information: Transferred from RIN 1115-AE80

Regulatory Flexibility Analysis Required: No Government Levels Affected: No  
Small Entities Affected: No Federalism: No  
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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA07

 [View Related Documents](#)

Title: Amendment of the Regulatory Definition of Arriving Alien

Abstract: This rule amends the DHS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording

of the statute.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 CFR 2

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/20/1998	63 FR 19382
Interim Final Rule Comment Period End	06/19/1998	

Additional Information: Transferred from RIN 1115-AE87

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA08

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Title: Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards

Abstract: This rule amends the DHS regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185, and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine-readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225 to 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		10/01/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	10/01/2002	
Interim Final Rule	12/02/2002	67 FR 71442
Interim Final Rule Comment Period End	01/31/2003	

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Additional Information: INS No. 1931-98 Transferred from RIN 1115-AF24

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
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Government Levels Affected: No  
Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA11

 [View Related Documents](#)

Title: Extension of 25-Mile Limit at Select Arizona Ports-of-Entry

Abstract: This rule amends the DHS regulations to extend the distance Mexican nationals with border crossing cards may travel into the United States without obtaining additional immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182 and 1183; 8 USC 1201; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	12/08/1999	64 FR 68616
Interim Final Rule Comment Period End	02/07/2000	

Additional Information: INS No. 2026-99 Transferred from RIN 1115-AF60

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No  
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Government Levels Affected: No  
Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA23

 [View Related Documents](#)

Title: Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda

Abstract: Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the DHS regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	01/31/2003	68 FR 5189
Interim Final Rule Effective	03/17/2003	
Interim Final Rule Comment Period End	04/01/2003	

Additional Information: Transferred from RIN 1115-AG68

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA29

 [View Related Documents](#)

Title: Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands

Abstract: This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, U.S. Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Department's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA are met.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101 and 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	02/18/1999	64 FR 7989
Interim Final Rule Comment Period End	04/18/1999	64 FR 7989

Additional Information: Transferred from RIN 1115-AF28

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA35

 [View Related Documents](#)

Title: Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program

Abstract: Amendment to part 142 of the Customs and Border Protection Regulations to provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 24; 19 CFR 123; 19 CFR 132; 19 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	02/01/2002	67 FR 4930
NPRM Comment Period End	04/02/2002	

Additional Information: Transferred from RIN 1515-AC92

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA38

 [View Related Documents](#)

Title: Access to Customs Security Areas at Airports

Abstract: Amendments to part 122 of the Customs and Border Protection regulations regarding the standards for employee access to customs security areas at airports that accommodate international air commerce. Amendments involve the addition of a biennial access approval reapplication requirement; an expansion of the grounds for denial of an application for access; the addition of a requirement that each employee granted access must report certain changes in the employee's circumstances; the inclusion of several new employer responsibilities; an expansion of the grounds for revocation or suspension of access and for proposed revocation or suspension of access; and a limitation of the opportunity to have a hearing in a revocation or suspension action to only cases in which there is a genuine issue regarding a material fact. These changes are needed to enhance the security areas at all airports.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448 to 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 and 1624; 19 USC 1644 to 1644a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	07/29/2002	
Interim Final Rule	07/29/2002	67 FR 48977
Interim Final Rule Comment Period End	09/27/2002	

Additional Information: Transferred from RIN 1515-AD04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA40

 [View Related Documents](#)

Title: Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States

Abstract: Amendment to part 122 of the Customs and Border Protection regulations implements a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available to CBP upon request. The availability of PNR information is necessary for purposes of ensuring aviation safety and protecting national security.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 and 1624; 19 USC 1644 to 1644a; 49 USC 44909(c)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	06/25/2002	
Interim Final Rule	06/25/2002	67 FR 42710
Interim Final Rule Comment Period End	08/26/2002	

Additional Information: Transferred from RIN 1515-AD06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA50

 [View Related Documents](#)

Title: Air Transit Program

Abstract: The Immediate and Continuous Transit program, also known as the Transit Without Visa (TWOV) program and the International-to-International (ITI) program allowed an alien to be transported in-transit through the United States to another foreign country without first obtaining a nonimmigrant visa from the Department of State overseas, provided the carrier had entered into an Immediate and Continuous Transit Agreement on Form I-426, pursuant to section 233(c) of the Immigration and Nationality Act. Both the TWOV and ITI programs were suspended due to security concerns in an interim rule published in August 2003. The Department of Homeland Security in this rule would be terminating these programs and establishing a new program allowing in-transit travelers that will incorporate necessary security measures.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225 to 1227; ...

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	08/02/2003	
Interim Final Rule	08/07/2003	68 FR 46926
Interim Final Rule Comment Period End	09/22/2003	

Additional Information: Transferred from RIN 1515-AD36

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA67

 [View Related Documents](#)

Title: Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens

Abstract: This rule would amend DHS regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 65 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: PL 98-473; 8 USC 1101; PL 102-410

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/26/2003	
Interim Final Rule	02/26/2003	68 FR 8820
Interim Final Rule Comment Period End	04/28/2003	

Additional Information: Transferred from RIN 1115-AG84

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA76

 [View Related Documents](#)

Title: Coastwise Transportation of Passengers

Abstract: CBP is considering amending current regulations relating to the transportation of passengers by non-coastwise-qualified vessels on voyages that begin and end at a U.S. port and stop at intervening U.S. and foreign port(s). Such amendment would provide that voyages that begin and end at a U.S. port and stop at a foreign port(s) and at intervening U.S. port(s) where a large U.S.-flag coastwise-qualified passenger vessel engages in regular service, would be in violation of the Passenger Vessel Services Act (PVSA) unless the cumulative length of stay(s) at intervening foreign port(s) is more than 50% of the total amount of time spent at the intervening U.S. port(s) and passengers are permitted to go ashore at the foreign port(s). This would ensure that the PVSA's purpose, which is to preserve the economic benefits of U.S. coastwise trade to U.S.-flag coastwise-qualified vessels, is carried out.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 19 CFR 4.80a(b)(4) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433 and 1434; 19 USC 1624; 19 USC 2071 note; 46 USC 501; 46 USC 60105



Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related Agencies: Common : MARAD

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection ( USCBP )

RIN: 1651-AA78

 [View Related Documents](#)

Title: Cargo Container and Road Vehicle Certification Pursuant to International Conventions: Designated Certifying Authorities

Abstract: This document amends the U.S. Customs and Border Protection (CBP) regulations in title 19 of the Code of Federal Regulations (CFR) concerning the certification of cargo containers for international transport pursuant to international customs conventions. These amendments reflect that the Commissioner of CBP has designated Lloyd's Register North America, Inc., as an authority in certifying containers for international transport under customs seal. This document further corrects the addresses of three designated Certifying Authorities that are already listed in the CBP regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 115.6 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; EO 12445 of October 17, 1983

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action Effective	07/27/2009	74 FR 36925
Final Action	07/27/2009	74 FR 36925

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA38

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Title: Aircraft Repair Station Security

Abstract: The Transportation Security Administration (TSA) will propose to add a new regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100--Century of Aviation Reauthorization Act and section 1616 of the 9/11 Commission Act of 2007. The regulation will propose general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation Administration (FAA). Regulations originally were to be promulgated by August 8, 2004. A Report to Congress was sent August 24, 2004, explaining the delay. The delay in publication of the notice of proposed rulemaking has been due to TSA scoping out the project, including making site visits to repair stations in different locations around the world.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 49 CFR 1554 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 44924

Legal Deadline: Section 611(b)(1) of Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176; Dec. 12, 2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA issue "final regulations to ensure the security of foreign and domestic aircraft repair stations." Section 1616 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-531; Aug. 3, 2007; 21 Stat. 266) requires TSA issue a final rule on foreign repair station security.

Action	Source	Description	Date
Other	Statutory	Rule within 240 days of the date of enactment of Vision 100.	08/08/2004
Other	Statutory	Rule within 1 year after the date of enactment of 9/11 Commission Act.	08/03/2008

#### Regulatory Plan:

Statement of Need: The Transportation Security Administration (TSA) is proposing regulations to improve the security of domestic and foreign aircraft repair stations. The proposed regulations will require repair stations that are certificated by the Federal Aviation Administration to adopt and carry out a security program. The proposal will codify the scope of TSA's existing inspection program. The proposal also will provide procedures for repair stations to seek review of any TSA determination that security measures are deficient.

Legal Basis: Section 611(b)(1) of Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176; 12/12/2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA to issue "final regulations to ensure the security of foreign and domestic aircraft repair stations" within 240 days from date of enactment of Vision 100. Section 1616 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266) requires that the FAA may not certify any foreign repair stations if the regulations are not issued within one year after the date of enactment of the 9/11 Commission Act unless the repair station was previously certificated or is in the process of certification.

Alternatives: TSA is required by statute to publish regulations requiring security programs for aircraft repair stations. As part of its notice of proposed rulemaking, TSA will seek public comment on the numerous alternative ways in which the final rule could carry out the requirements of the statute.

Costs and Benefits: TSA anticipates costs to aircraft repair stations mainly related to the establishment of security programs, which may include adding such measures as access controls, a personnel identification system, security awareness training, the designation of a security coordinator, employee background verification, and a contingency plan. It is difficult to identify the particular risk reduction associated with the implementation of this rule because the nature of value of the benefits of reducing risk of a terrorist attack is a function of both the probability of an attack and the value of the consequence. When the proposed rule is published, DHS will provide a break even analysis discussing the program elements that would help achieve risk reductions. These elements and related qualitative benefits include a reduction in the risk of an aircraft being sabotaged, resulting in potential injury or loss of life for the passengers and crew, or reduction in the risk of being hijacked, resulting in the additional potential for the aircraft being used as a weapon of mass destruction.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By requiring security programs for aircraft repair stations, TSA will focus on preventing unauthorized access to repair work and to aircraft to prevent sabotage or hijacking.

#### Timetable:

Action	Date	FR Cite
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Notice--Public Meeting; Request for Comments	02/24/2004	69 FR 8357
Report to Congress	08/24/2004	
NPRM	11/18/2009	74 FR 59873
NPRM Comment Period End	01/19/2010	
Final Rule	11/00/2010	

Regulatory Flexibility Analysis Required: **Business** Government Levels Affected: **No**

Federalism: **No**

Energy Affected: **No**

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA53

 [View Related Documents](#)

Title: Large Aircraft Security Program, Other Aircraft Operator Security Program, and Airport Operator Security Program

Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a Notice of Proposed Rulemaking, proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds ("large aircraft") be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. After considering comments received on the NPRM and meeting with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation industry. TSA is considering alternatives to the following proposed provisions in the SNPRM: (1) the weight threshold for aircraft subject to TSA regulation; (2) compliance oversight; (3) watch list matching of passengers; (4) prohibited items; (5) scope of the background check requirements and the procedures used to implement the requirement; and (6) other issues.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 49 CFR 1515; 49 CFR 1520; 49 CFR 1522; 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 6 USC 469; 18 USC 842; 18 USC 845; 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 114(f)(3); 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

## Regulatory Plan:

Statement of Need: This rule would enhance current security measures, and would apply security measures currently in place for operators of certain types of aircraft, to operators of other aircraft. While the focus of TSA's existing aviation security programs has been on air carriers and commercial operators, TSA is aware that general aviation aircraft of sufficient size and weight may inflict significant damage and loss of lives if they are hijacked and used as missiles. TSA has current regulations that apply to large aircraft operated by air carriers and commercial operators, including the twelve five program, the partial program, and the private charter program. However, the current regulations do not cover all general aviation operations, such as those operated by corporations and individuals, and such operations do not have the features that are necessary to enhance security.

## Legal Basis:

Alternatives: DHS considered continuing to use voluntary guidance to secure general aviation, but determined that to ensure that each aircraft operator maintains an appropriate level of security, these security measures would need to be mandatory requirements.

Costs and Benefits: This proposed rule would yield benefits in the areas of security and quality governance. The rule would enhance security by expanding the mandatory use of security measures to certain operators of large aircraft that are not currently required to have a security plan. These measures would deter malicious individuals from perpetrating acts that might compromise transportation or national security by using large aircraft for these purposes. In the NPRM, TSA estimated the total 10-year cost of the program would be \$1.3 billion, discounted at 7 percent. Aircraft operators, airport operators, and TSA would incur costs to comply with the requirements of the proposed Large Aircraft Security Program rule. Aircraft operator costs comprise 85 percent of all estimated expenses. TSA estimated approximately 9,000 general aviation aircraft operators use aircraft with a maximum takeoff weight exceeding 12,500 pounds, and would be newly subjected to the proposed rule.

Risks: This rulemaking addresses the national security risk of general aviation aircraft being used as a weapon or as a means to transport persons or weapons that could pose a threat to the United States.

## Timetable:

Action	Date	FR Cite
NPRM	10/30/2008	73 FR 64790
Notice--NPRM Comment Period Extended	11/25/2008	73 FR 71590
Notice--Public Meetings; Requests for Comments	12/28/2008	73 FR 77045
NPRM Comment Period End	12/29/2008	
NPRM Extended Comment Period End	02/27/2009	
Supplemental NPRM	10/00/2010	

Additional Information: Public Meetings held on: Jan. 6, 2009 at White Plains, NY; Jan. 8, 2009, at Atlanta, GA; Jan 16, 2009, at Chicago, IL; Jan. 23, 2009, at Burbank, CA; and Jan. 28, 2009, at Houston, TX. Additional Comment Sessions held in Arlington, VA, on April 16, 2009, May 6, 2009, and June 15, 2009.

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1652-AA03; Related to 1652-AA04

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Department of Homeland Security (DHS)  
 Transportation Security Administration ( TSA )

RIN: 1652-AA55

 [View Related Documents](#)

Title: Public Transportation and Passenger Railroads--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will propose a new regulation to improve the security of public transportation and passenger railroads in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements for a public transportation security training program and a passenger railroad training program to prepare public transportation and passenger railroad employees, including frontline employees, for potential security threats and conditions.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, secs 1408 and 1517

Legal Deadline: According to section 1408 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), interim final regulations for public transportation agencies are due 90 days after the date of enactment (Nov. 1, 2007), and final regulations are due 1 year after the date of enactment of this Act. According to section 1517 of the same Act, final regulations for railroads are due no later than 6 months after the date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Interim Rule for public transportation agencies is due 90 days after date of enactment.	11/01/2007
Other	Statutory	Rule for railroads is due 6 months after date of enactment.	02/03/2008

Other	Statutory	Rule for public transportation agencies is due 1 year after date of enactment.	08/03/2008
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## Regulatory Plan:

Statement of Need: A security training program for public transportation agencies and for passenger railroads is proposed to prepare public transportation and passenger railroad employees, including frontline employees, for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; sections 1408 and 1517 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives: TSA is required by statute to publish regulations requiring security programs for these operators. As part of its notice of proposed rulemaking, TSA will seek public comment on the numerous ways in which the final rule could carry out the requirements of the statute.

Costs and Benefits: Economic analysis under development.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

## Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 1652-AA57; Related to 1652-AA59

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Transportation Security Administration ( TSA )

RIN: 1652-AA57

 [View Related Documents](#)

Title: Freight Railroads--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will propose new regulations to improve the security of freight railroads in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose general requirements for a security training program to prepare freight railroad employees, including frontline employees, for potential security threats and conditions. The regulations will take into consideration any current security training requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1517

Legal Deadline: According to section 1517 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 6 months after the date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Rule is due 6 months after date of enactment.	02/03/2008

## Regulatory Plan:

Statement of Need: The rulemaking will propose general requirements for a security training program to prepare freight railroad employees, including frontline employees, for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; section 1517 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives: TSA is required by statute to publish regulations requiring security programs for these operators. As part of its notice of proposed rulemaking, TSA will seek public comment on the numerous ways in which the final rule could carry out the requirements of the statute.

Costs and Benefits: Economic analysis under development.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

## Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 1652-AA55; Related to 1652-AA59

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Department of Homeland Security (DHS)  
 Transportation Security Administration ( TSA )

RIN: 1652-AA59

 [View Related Documents](#)

Title: Over-the-Road Buses--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will propose new regulations to improve the security of over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose an over-the-road bus security training program to prepare over-the-road bus frontline employees for potential security threats and conditions. The regulations will take into consideration any current security training requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1534

Legal Deadline: According to section 1534 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007); 121 Stat. 266), TSA must issue a regulation no later than 6 months after date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Rule due 6 months after date of enactment.	02/03/2008

Regulatory Plan:

Statement of Need: The rulemaking will propose an over-the-road bus security training program to prepare over-the-road bus frontline employees for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; section 1534 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No



Related RINs: Related to 1652-AA55; Related to 1652-AA57

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA61

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Title: Vetting, Adjudication, and Redress Process and Fees

Abstract: The Transportation Security Administration (TSA) will propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STA) of individuals for which TSA is responsible. In accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007, the scope of the rulemaking will include transportation workers from all modes of transportation who are required to undergo an STA in other regulatory programs, including certain aviation workers and frontline employees for public transportation agencies, railroads, and over-the-road buses. In addition, TSA will propose fees to cover the cost of the STAs, and credentials for some personnel. TSA plans to improve efficiencies in processing STAs and streamline existing regulations by simplifying language and removing redundancies.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, secs 1411, 1414, 1520, 1522, 1602

Legal Deadline: None

Regulatory Plan:

Statement of Need: Sections of the Implementing Recommendation of the 9/11 Commission Act of 2007 require TSA to complete security threat assessments and provide a redress process for all frontline employees for public transportation agencies, railroads, and over-the-road buses. There could be a further need for threat assessments on transportation personnel that could be addressed under this rule.

Legal Basis: 49 U.S.C. 114; sections 1411, 1414, 1520, 1522, and 1602 of Public Law 110-53, Implementing Recommendation of the 9/11 Commission Act of 2007.

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking (NPRM)	02/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

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Department of Homeland Security (DHS)

Transportation Security Administration ( TSA )

RIN: 1652-AA64

 [View Related Documents](#)

Title: Air Cargo Screening

Abstract: The Transportation Security Administration (TSA) is establishing the Certified Cargo Screening Program that will certify shippers, manufacturers, and other entities to screen air cargo intended for transport on a passenger aircraft. This will be the primary means through which TSA will meet the requirements of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 that mandates that 100 percent of air cargo transported on passenger aircraft, operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation, must be screened by August 2010, to ensure the security of all such passenger aircraft carrying cargo. Under this rulemaking, each certified cargo screening facility (CCSF) and their employees and authorized representatives that will be screening cargo must successfully complete a security threat assessment. The CCSF must also submit to an audit of their security measures by TSA-approved auditors, screen cargo using TSA-approved methods, and initiate strict chain of custody measures to ensure the security of the cargo throughout the supply chain prior to tendering it for transport on passenger aircraft.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 49 CFR 1520; 49 CFR 1522; 49 CFR 1540; 49 CFR 1544; 49 CFR 1548; 49 CFR 1549 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-53, sec 1602; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44913 to 44914; 49 USC 44916; 49 USC 44935 to 44936; 49 USC 46105

Legal Deadline: Section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 478, Aug. 3, 2007) requires that the Secretary of Homeland Security establish a system to screen 50 percent of cargo on passenger aircraft not later than 18 months after the date of enactment and 100 percent of such cargo not later than 3 years after the date of enactment.

Action	Source	Description	Date
Other	Statutory	Screen 50 percent of cargo on passenger aircraft.	02/03/2009
Other	Statutory	Screen 100 percent of cargo on passenger aircraft.	08/03/2010

#### Regulatory Plan:

Statement of Need: TSA is establishing a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo. The system shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of TSA, used to screen cargo carried on passenger aircraft, provide a level of security commensurate with the level of security for the screening of passenger checked baggage.

Legal Basis: 49 U.S.C. 114; section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 478, 10/3/2007), codified at 49 U.S.C. 44901(g).

Alternatives: The Interim Final Rule (IFR) states that as an alternative to establishing the CCSP, TSA considered meeting the statutory requirements by having aircraft operators screen cargo intended for transportation on passenger aircraft—that is, continuing the current cargo screening program but expanding it to 85 percent of air cargo on passenger aircraft. Under this alternative, the cost drivers for this alternative are screening equipment, personnel for screening, training of personnel, and delays. Delays are the largest cost component, totaling \$7.0 billion over 10 years, undiscounted. In summary, the undiscounted 10 year cost of the alternative is \$11.1 billion, and discounted at 7 percent, the cost is 7.7 billion.

Costs and Benefits: TSA estimates the cost of the rule will be \$1.9 billion (discounted at 7 percent) over 10 years. TSA analyzed the alternative of not establishing the Certified Cargo Screening Program (CCSP) and, instead, having aircraft operators and air carriers perform screening of all cargo transported on passenger aircraft. Absent the CCSP, the estimated cost to aircraft operators and air carriers is \$7.7 billion (discounted at seven percent) over ten years. The bulk of the costs for both the CCSP and the alternative are attributed to personnel and the impact of cargo delays resulting from the addition of a new operational process. The benefits of the IFR are four fold. First, passenger air carriers will be more firmly protected against an act of terrorism or other malicious behaviors by the screening of 100 percent of cargo shipped on passenger aircraft. Second, allowing the screening process to occur throughout the supply chain via the Certified Cargo Screening Program will reduce potential bottlenecks and delays at the airports. Third, the IFR will allow market forces to identify the most efficient venue for screening along the supply chain, as entities upstream from the aircraft operator may apply to become CCSFs and screen cargo. Finally, validation firms will perform assessments of the entities that become CCSFs, allowing TSA to set priorities for compliance inspections.

#### Risks:

##### Timetable:

Action	Date	FR Cite
Interim Final Rule	09/16/2009	74 FR 47672
Interim Final Rule Effective	11/16/2009	
Interim Final Rule Comment Period End	11/16/2009	
Final Rule	11/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Transportation Security Administration (TSA)

RIN: 1652-AA00

 [View Related Documents](#)

Title: Imposition and Collection of Passenger Civil Aviation Security Service Fees

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2001, interim final rule (IFR) by completing an economic analysis and responding to comments received. That IFR established passenger civil aviation security service fees, known as the "September 11th Security Fee" in the amount of \$2.50 per enplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip. The fees are required under 49 U.S.C. 44940 to pay TSA for the costs of providing Federal civil aviation security services.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1510 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 44940

Legal Deadline: Section 118 of the Aviation and Transportation Security Act (ATSA) (PL 107-71; Nov. 19, 2001), codified at 49 USC 44940, requires that within 60 days of ATSA's enactment, or as soon as possible thereafter, TSA impose uniform security service fees on passengers of domestic and foreign air carriers in air transportation; publish notice of these fees in the Federal Register; and exempt the agency (TSA) from procedural rulemaking requirements of 5 USC 553 and user fees requirements from 31 USC 9701

Action	Source	Description	Date
Other	Statutory	sec 118 directs TSA to impose uniform security service fees on certain aviation passengers within 60 days of enactment of ATSA, or as soon as possible thereafter.	01/19/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	12/31/2001	
Interim Final Rule; Request for Comments	12/31/2001	66 FR 67698
Notice-Information Collection; Emergency Processing	01/31/2002	67 FR 4866
Notice-Information Collection; Approval	02/19/2002	67 FR 7582
Interim Final Rule Comment Period End	03/01/2002	
Interim Final Rule Comment Period Reopened	03/28/2002	67 FR 14879

Interim Final Rule Reopened Comment Period End	04/30/2002	
Notice-Information Collection; 30-Day Renewal	07/10/2002	67 FR 45784
Notice-Information Collection; 60-Day Renewal	05/06/2005	70 FR 24108
Notice-Information Collection; 30-Day Renewal	07/27/2005	70 FR 43441
Notice-Information Collection; 60-Day Renewal	07/02/2008	73 FR 37981
Notice-Information Collection; 30-Day Renewal	09/05/2008	73 FR 51832

Additional Information: Transferred from RIN 2110-AA01

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA01; Related to 1652-AA43

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA01

 [View Related Documents](#)

Title: Aviation Security Infrastructure Fees (ASIF)

Abstract: The Transportation Security Administration (TSA) will take final action on the February 20, 2002, interim final rule (IFR) by completing an economic analysis and responding to comments received. The IFR established the Aviation Security Infrastructure Fee (ASIF) imposed on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation to help defray TSA's costs of providing U.S. civil aviation security services. The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), codified at 49 U.S.C. 44940, requires TSA to impose a uniform fee, the "September 11th Security Fee," on certain aviation passengers at no more than \$2.50 per enplanement originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip. To the extent that TSA estimates that the September 11th Security Fee will not cover TSA's estimated annual costs for providing specified security services, ATSA authorizes TSA to impose a second fee, the ASIF, on carriers based on the costs they incurred for screening passengers and

property in calendar year 2000. Beginning in fiscal year 2005, TSA may change the way the ASIF is apportioned among air carriers according to a carrier's market share or other appropriate measure, in lieu of the carrier's actual screening costs in calendar year 2000. See 49 U.S.C. 44940(2)(B)(iii). Reapportionment of the ASIF will not be the subject of this rulemaking and may be the subject of a separate proceeding.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1511 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901; 49 USC 44940

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/18/2002	
Notice--Information Collection; Approval	02/28/2002	67 FR 9355
Interim Final Rule; Correction	02/25/2002	67 FR 8579
Interim Final Rule; Request for Comments	02/20/2002	67 FR 7926
Interim Final Rule; Comment Period End	03/18/2002	
Interim Final Rule; Comment Period Extended	03/20/2002	67 FR 12954
Interim Final Rule; Extension of Comment Period End	04/02/2002	
Notice--Guidance Appendix A	05/01/2002	67 FR 21582
Notice-Information Collection; 60-Day New Collection	01/27/2004	69 FR 3938
Notice-Information Collection; 30-Day New Collection	05/18/2004	69 FR 28141
Notice-Information Collection; 60-Day Renewal	05/09/2007	72 FR 26417
Notice-Information Collection; 30-Day Renewal	09/06/2007	72 FR 51238

Additional Information: Transferred from RIN 2110-AA02

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA00; Related to 1652-AA43

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA02

 [View Related Documents](#)

Title: Civil Aviation Security Rules

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published a final rule, with a request for comment. This final rule transferred the Federal Aviation Administration's (FAA) rules (14 CFR 91, 107, 108, 109, 121, 129, 135, 139, 191) governing civil aviation security to TSA (49 CFR parts 1500, 1520, 1540, 1542, 1544, 1546, 1548, 1550). ATSA mandated the transfer of these aviation security responsibilities from FAA to TSA. This final rule made some revisions to the FAA rules in order to enhance security as required by ATSA (Pub. L. 107-71; Nov. 19, 2001). One of ATSA's requirements was that by November 19, 2002, the responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers be transferred to TSA and that TSA employees (or companies under contract with TSA) conduct the inspection and screening. In response to the 2002 final rule, TSA received eleven comments. TSA is now preparing to publish another final rule which closes out the 2002 final rule. This new final rule will respond to the comments received and confirm that no additional changes will be made to the regulations in this rulemaking.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1500 to 1550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 40101 et seq, PL 107-71

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule Effective	12/28/2001	
Final Rule	12/28/2001	66 FR 67117
Final Rule Effective	02/17/2002	
Final Rule; Request for Comments	02/22/2002	67 FR 8340
Final Rule Comment Period End	03/25/2002	

Additional Information: Transferred from RIN 2110-AA03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA03

 [View Related Documents](#)

Title: Security Programs for Aircraft Weighing 12,500 Pounds or More

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published the interim final rule, known as the "Twelve-Five Rule," which requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program." The rule also requires that certain aircraft operators conduct criminal history records checks on their flight crew members, and restrict access to the flight deck. These measures were necessary to comply with congressional mandates and to enhance security in air transportation. Security programs constitute sensitive security information (SSI), which is disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed Twelve-Five Security Program was distributed, for comment only, to the operators subject to the rule. TSA responded to the comments received, but because the comments and responses contained SSI, they were not made public. TSA amended the program, where appropriate, to accommodate the comments received on the security program. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the final security program. In addition, TSA developed a fingerprint collection process that enables all affected operators to complete the fingerprint-based criminal history records checks of their flight crew members, as required by the Twelve-Five Rule. Affected operators were required to be in compliance with the rule by April 1, 2003.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1540; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: Section 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in section 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Action	Source	Description	Date
Other	Statutory	section 132(a) of ATSA requires TSA implement an aviation security program for certain air carriers within 90 days of enactment of ATSA.	02/19/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule; Request for Comments	02/22/2002	67 FR 8205
Final Rule Comment Period End	04/23/2002	
Final Rule Effective	06/24/2002	
Notice--Extend Compliance Date to 12/01/2002	08/28/2002	67 FR 55308
Notice--Extend Compliance Date; Comment Period End	09/30/2002	
Notice--Extend Compliance Date to 02/01/2003	11/08/2002	67 FR 68227
Notice--Extend Compliance Date to 04/01/2003	02/05/2003	68 FR 5974
Notice--Information Collection; 60-Day Renewal	11/26/2003	68 FR 66473
Notice--Information Collection; 30-Day Renewal	02/11/2004	69 FR 6683
Notice--Information Collection; 60-Day Renewal	11/02/2006	71 FR 64547
Notice--Information Collection; 30-Day Renewal	04/11/2007	72 FR 18269

Additional Information: Transferred from RIN 2110-AA04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA04



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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA08

 [View Related Documents](#)

Title: Protection of Sensitive Security Information (SSI)

Abstract: The Transportation Security Administration (TSA) will take final action on the May 18, 2004, interim final rule (IFR) by responding to comments received. In the IFR, published jointly with the Office of the Secretary of Transportation (OST) in May 2004, TSA revised its sensitive security information (SSI) regulations to expand the 2002 regulatory framework governing information generally related to aviation security to cover information related to security in maritime transportation, consistent with the security framework required by the U.S. Coast Guard's regulations implementing the Maritime Transportation Security Act (MTSA). This expansion was the main theme of the IFR. However, the IFR also continued TSA's 2002 regulations coverage for vulnerability assessments and, with some changes, certain other SSI for all modes. TSA and OST issued a technical amendment to the IFR in January 2005 to address provisions of the regulations that inadvertently restricted sharing of SSI. Specifically, the amendment removed the limiting words "aviation or maritime" from 49 CFR 15.11 and 49 CFR 1520.11 in order to clearly permit the sharing of vulnerability assessments and other documents properly designated as SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 15; 49 CFR 1520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule; Request for Comments	05/18/2004	69 FR 28066
Interim Final Rule Effective	06/17/2004	
Interim Final Rule; Comment Period End	07/19/2004	
Interim Final Rule; Technical Amendment	01/07/2005	70 FR 1379
Notice--Information Collection; 60-Day Renewal	02/14/2007	72 FR 7059
Notice--Information Collection; 30-Day Renewal	06/18/2007	72 FR 33511

Additional Information: Joint rulemaking with Department of Transportation, Office of the Secretary (RIN No. 2105-AD33)  
Transferred from RIN 2110-AA10

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA05; Related to 1652-AA49

Related Agencies: Joint: OST

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA11

 [View Related Documents](#)

Title: Criminal History Records Checks (CHRC)

Abstract: The Transportation Security Administration (TSA) will consolidate all requirements in this rulemaking, which relate to criminal history record checks (CHRC) in another rulemaking action; RIN 1652-AA41, Vetting, Adjudication, and Redress Process and Fees. This rule, published by the Federal Aviation Administration (FAA) on December 6, 2001, required each airport operator and aircraft operator that had adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based CHRCs for individuals, if they had not already undergone CHRCs. The rule applied to those who either have, or apply for unescorted access authority to the Security Identification Display Area (SIDA) of an airport; authority to authorize others to have unescorted access; and screening functions. The FAA determined the rule was needed because the then current employment investigation method was not adequate and to ensure that individuals in these positions did not have disqualifying criminal offenses. Rules governing civil aviation security were transferred from the FAA to the Transportation Security Administration (TSA). Parts 107 and 108 of title 14 of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are now codified in 49 CFR parts 1540, 1542, and 1544.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1540; 49 CFR 1542; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44936

Legal Deadline: None

Timetable: \_\_\_\_\_

Action	Date	FR Cite
Next Action Undetermined		
Final Rule Effective	12/06/2001	
Final Rule; Request for Comments	12/06/2001	66 FR 63474
Final Rule; Comment Period End	01/07/2002	
Final Rule; Comment Period Reopened	01/25/2002	67 FR 3810
Final Rule; Reopened Comment Period End	03/11/2002	

Additional Information: Transferred from RIN 2110-AA11

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 2120-AH53; Related to 1652-AA09; Related to 1652-AA10; Related to 1652-AA61

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA16

 [View Related Documents](#)

Title: Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on February 6, 2003, addressed security issues regarding transportation of explosives by commercial motor vehicles and railroads. It established requirements applicable to all motor carriers, motor private carriers, and railroad carriers not using U.S. citizens or lawful permanent aliens as drivers or railroad crews licensed in Canada to transport explosives to the United States. In August 2006, TSA issued an IFR superseding this February 2003 IFR as it relates to motor carriers (See RIN No. 1652-AA50). This was further amended by the Transportation Worker Identification Credential (TWIC) final rule, issued January 25, 2007 (RIN No. 1652-AA41). In the future, TSA plans to issue a rulemaking action for the rail sector.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1570; 49 CFR 1572 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 5103 to 5103a; 49 USC 40113; 49 USC 46105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/03/2003	
Interim Final Rule; Request for Comments	02/06/2003	68 FR 6083
Interim Final Rule; Comment Period End	03/10/2003	

Additional Information: Transferred from RIN 2110-AA18

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA41; Related to 1652-AA50

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA35

 [View Related Documents](#)

Title: Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

Abstract: The Transportation Security Administration (TSA) will take final action on the September 20, 2004, interim final rule (IFR) by completing a regulatory analysis, amending the rule to incorporate the exemptions and interpretations, and responding to comments received. The IFR was published on September 20, 2004 (69 FR 56324). The IFR created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply to obtain flight training. After comments were received, new exemptions and interpretations were issued. The IFR requires flight schools to notify TSA when aliens and other individuals designated by TSA apply for flight training. TSA has established standards relating to the security threat assessment process that TSA will conduct to determine whether such individuals are a threat to aviation or national security, and thus prohibited from receiving flight training. In addition, TSA has established a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA has established standards on security awareness training for certain flight school employees. These requirements will help ensure that individuals who intend to use aircraft to perform terrorist attacks in the United States do not obtain flight training that would enable them to do so. These requirements will also improve security at flight schools.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 49 USC 114; 49 USC 44939; 49 USC 46105

Legal Deadline: Requires Transportation Security Administration (TSA) to promulgate an interim final rule (IFR) implementing the requirements of section 612 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, Dec. 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

Action	Source	Description	Date
Other	Statutory	section 612 of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100.	02/10/2004

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	09/20/2004	
Interim Final Rule; Request for Comments	09/20/2004	69 FR 56324
Interim Final Rule; Comment Period End	10/20/2004	
Notice--Information Collection; 60-Day Renewal	11/26/2004	69 FR 68952
Notice--Information Collection; 30-Day Renewal	03/30/2005	70 FR 16298
Notice--Information Collection; 60-Day Renewal	06/06/2008	73 FR 32346
Notice--Information Collection; 30-Day Renewal	08/13/2008	73 FR 47203

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA43

 [View Related Documents](#)

Title: Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)

**Abstract:** The Transportation Security Administration will revise the method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services. Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), codified at 49 U.S.C. 44940, authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening costs to a system based on market share or other appropriate measures. On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input. TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004. TSA is considering a market share methodology for implementation.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 49 CFR 1511 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 49 USC 44901; 49 USC 44940

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Notice; Requesting Comment-Imposition of the Aviation Security Infrastructure Fee (ASIF)	11/05/2003	68 FR 62613
Notice--Imposition of ASIF; Comment Period Extended	12/31/2003	68 FR 75611
Notice--Imposition of ASIF; Comment Period End	01/05/2004	
Notice--Imposition of ASIF; Extended Comment Period End	02/05/2004	

**Regulatory Flexibility Analysis Required:** Business

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1652-AA00; Related to 1652-AA01

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA49

 [View Related Documents](#)

Title: Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on July 19, 2005, creates a new part 1562, subpart B, for General Aviation, in title 49 of the Code of Federal Regulations (CFR). This IFR restores access to Ronald Reagan Washington National Airport (DCA) infrastructures for certain aircraft operations, while maintaining the security of critical Federal Government and other assets in the Washington, DC, Metropolitan Area. From September 11, 2001, until the IFR became effective, general aviation aircraft operations had been prohibited at DCA. This rule applies to all passenger aircraft operations into or out of DCA, except foreign air carrier operations functioning under 49 CFR part 1546.101(a) or (b) and U.S. air carrier operations operating under a full security program required by 49 CFR part 1544. The rule establishes security procedures for aircraft operators and gateway airport operators, and security requirements relating to crewmembers, passengers, and armed security officers onboard aircraft operating to or from DCA.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1520; 49 CFR 1540; 49 CFR 1562 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 40113 and 40114; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule; Request for Comments	07/19/2005	70 FR 41586
Interim Final Rule Effective	08/18/2005	
Notice--Information Collection; Approval and 60-Day Renewal	08/26/2005	70 FR 50391
Interim Final Rule; Comment Period End	09/19/2005	
Notice--Information Collection; 30-Day Renewal	10/26/2005	70 FR 61831
Notice--Information Collection; 60-Day Renewal	10/20/2008	73 FR 62304

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA08

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA50

 [View Related Documents](#)

Title: Drivers Licensed by Canada or Mexico Transporting Hazardous Materials To and Within the United States

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on August 7, 2006, announced that a commercial motor vehicle driver licensed in Canada or Mexico who holds a Free and Secure Trade (FAST) program card may use that card as an acceptable credential to transport placarded amounts of hazardous materials or any quantity of a material listed as a select agent or toxin in 42 CFR part 73 within the United States. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires that, as of August 10, 2006, commercial motor vehicle drivers licensed in Canada or Mexico who transport hazardous materials in the United States must undergo a background check similar to the one required of U.S.-licensed operators with a hazardous materials endorsement (HME) on a commercial drivers license (CDL). This rule announced TSA's determination that the background check required to obtain a credential under the FAST program meets the background check requirements of SAFETEA-LU. This interim rule also removed TSA's pre-existing 49 CFR 1572.201 procedures for commercial drivers licensed in Canada who transport explosives into the United States (See RIN No. 1652-AA16).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1572.201 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 49 USC 5103a(h)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule, Part VI	08/07/2006	71 FR 44874
Interim Final Rule Effective	08/10/2006	
Interim Final Rule; Comment Period End	10/06/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA16

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Department of Homeland Security (DHS)



Transportation Security Administration ( TSA )

RIN: 1652-AA54

 [View Related Documents](#)

Title: Sensitive Security Information: Disclosure in Federal Civil Court Proceedings

Abstract: The Transportation Security Administration (TSA) is proposing to revise its regulations governing the protection of Sensitive Security Information (SSI) to implement section 525(d) of the U.S. Department of Homeland Security (DHS) Appropriations Act of 2007, which grants civil litigants or their counsel who do not currently have a need to know SSI access to specific SSI in Federal district court proceedings, if certain requirements are met. Sensitive Security Information is primarily information that would be detrimental to transportation security or safety if publicly disclosed. This proposed rule would establish an administrative process by which a limited number of individuals representing parties in Federal civil court proceedings would apply to TSA for access to SSI for use in the litigation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1515; 49 CFR 1520 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 49 USC 114; PL 109-295, sec 525

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking (NPRM)	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA56

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Title: Public Transportation and Passenger Railroads--Vulnerability Assessment and Security Plan

Abstract: The Transportation Security Administration (TSA) will propose new regulations to enhance security in public transportation and passenger railroad operations in accordance with sections 1405 and 1512 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements to require public transportation agencies that the Secretary of the Department of Homeland Security (DHS) has determined are at high risk for terrorism to develop comprehensive security plans. Technical assistance and guidance will be provided to these agencies in preparing and implementing the security plans. This rulemaking will also propose general requirements for each passenger railroad carrier assigned by the Secretary of DHS to a high-risk tier to conduct a vulnerability assessment; implement a security plan that addresses security performance requirements; and establish standards and guidelines for developing and implementing these vulnerability assessments and security plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, secs 1405 and 1512

Legal Deadline: According to section 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), a final regulation for passenger railroads is due no later than 12 months after the date of enactment of the Act. There is no legal deadline for public transportation agencies.

Action	Source	Description	Date
Other	Statutory	Rule for passenger railroads is due no later than 12 months after date of enactment.	08/03/2008

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking (NPRM)	00/00/0000	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA58

 [View Related Documents](#)

Title: Freight Railroads--Vulnerability Assessment and Security Plan

Abstract: The Transportation Security Administration (TSA) will add new regulations to improve the security of freight rail transportation in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements for each freight railroad carrier assigned by the Secretary of the Department of Homeland Security (DHS) to a high-risk tier to conduct a vulnerability assessment; implement a security plan that addresses security performance requirements; and establish standards and guidelines for developing and implementing these vulnerability assessments and security plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1512

Legal Deadline: According to section 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 12 months after date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Rule due 12 months after date of enactment.	08/03/2008

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking (NPRM)	00/00/0000	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

Agency Contact: Scott Gorton

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA60

 [View Related Documents](#)

Title: Over-the-Road Buses--Vulnerability Assessment and Security Plan

Abstract: The Transportation Security Administration (TSA) will add new regulations to improve the security of over-the-road bus operators in accordance with section 1531 of the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose general requirements for each over-the-road bus operator assigned by the Secretary of the Department of Homeland Security (DHS) to a high-risk tier to conduct a vulnerability assessment and implement a security plan.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1531

Legal Deadline: According to section 1531 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 18 months after date of enactment (Feb. 3, 2009) of this Act.

Action	Source	Description	Date
Other	Statutory	section 1531 directs TSA to issue a regulation no later than 18 months after date of enactment.	02/03/2009

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking (NPRM)	00/00/0000	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA62

 [View Related Documents](#)

Title: Revision of Enforcement Procedures

Abstract: The Transportation Security Administration (TSA) amends its Investigative and Enforcement Procedures in this final rule to conform to the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 390, Aug. 3, 2007). The rule establishes procedures by which TSA may issue civil monetary penalties for violations of any statutory requirement administered by TSA, including surface transportation requirements and Transportation Worker Identification Credentials requirements. See Federal Civil Penalty Inflation Adjustment Act of 1990 (Pub. L. 101-410, 28 U.S.C. 2461 note). The rule also clarifies and reorganizes TSA's investigative and enforcement procedures, and makes inflation adjustments to the maximum civil monetary penalty amounts.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1503 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, secs 1302, 1304, 1413, 1415, 1521, 1536

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule; Request for Comments	07/21/2009	74 FR 36030
Final Rule Effective	08/20/2009	
Final Rule Comment Period End	09/21/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA66

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA66

 [View Related Documents](#)

Title: Reporting of Security Issues

Abstract: The Transportation Security Administration (TSA) proposed to add new procedures by which members of the public

could report to TSA a problem, deficiency, or vulnerability regarding transportation security, including the security of aviation, maritime, railroad, motor carrier vehicle, or pipeline transportation, or any mode of public transportation, such as mass transit, in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). See Public Law 110-53 sections 1413(i), 1521(i) (codified at 49 U.S.C. 20109(j)), and 1536(i) (codified at 49 U.S.C. 31105(i)).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1503 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 6 USC 1142; 18 USC 6002; 28 USC 2461 (note); 49 USC 114; 49 USC 20109; 49 USC 31105; 49 USC 40113 and 40114; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Notice of Proposed Rulemaking (NPRM)	08/26/2009	74 FR 43088
NPRM Comment Period End	10/26/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Split From 1652-AA62

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA45

 [View Related Documents](#)

Title: Secure Flight Program

Abstract: The Transportation Security Administration (TSA) issued a rule to implement the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; Dec. 17, 2004) that TSA assume from aircraft operators the performance of the passenger screening function of comparing passenger information to appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 49 CFR 1560 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901 to 44903

Legal Deadline: Section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458;

Dec. 17, 2004) requires that not later than January 1, 2005, TSA commence testing of an advanced passenger prescreening system, and that not later than 180 days after completion of testing, TSA begin to assume the performance of the passenger prescreening function.

Action	Source	Description	Date
Other	Statutory	section 4012 of IRTPA requires that TSA commence testing of an advanced passenger prescreening system and 180 days thereafter assume the passenger prescreening function.	09/00/2005

Timetable:

Action	Date	FR Cite
Notice: Information Collection; Emergency Processing	09/24/2004	69 FR 57342
Notice: Information Collection; Emergency Processing Comment Period End	10/25/2004	
Notice: Final Order for Secure Flight Test Phase; Response to Public Comments	11/15/2004	69 FR 65619
Notice of Proposed Rulemaking (NPRM)	08/23/2007	72 FR 48355
Notice: Public Meeting; Request for Comments	09/05/2007	72 FR 50916
NPRM Comment Period End	10/22/2007	
NPRM Comment Period Extended	10/24/2007	72 FR 60307
Notice: Public Meeting; Comment Period End	10/22/2007	
NPRM Extended Comment Period End	11/21/2007	
Final Rule (Part II)	10/28/2008	73 FR 64018
Final Rule Effective	12/29/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Related to 1652-AA48

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA51

 [View Related Documents](#)

Title: Rail Transportation Security

Abstract: The Transportation Security Administration (TSA) issued requirements in this rulemaking to enhance the security of our Nation's rail transportation system. Regulated entities include freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and operators of certain fixed-site facilities that ship or receive specified categories and quantities of rail security-sensitive materials by rail. This rulemaking codifies the scope of TSA's existing inspection program and require regulated parties to allow TSA and Department of Homeland Security (DHS) officials to enter, inspect, and test property, facilities, conveyances, and records relevant to rail security. This action also requires that regulated parties designate rail security coordinators and report significant security concerns to DHS. TSA further identifies a list of rail security-sensitive materials and requires that freight rail carriers and certain facilities handling rail security-sensitive materials be equipped to report location and shipping information to TSA upon request and to implement chain of custody requirements to ensure a positive and secure exchange of specified hazardous materials. In this action, TSA also clarifies and extends the sensitive security information (SSI) protections to cover certain information associated with rail transportation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1520; 49 CFR 1580 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105; PL 110-53, sec 1501; PL 107-71; PL 107-296

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/21/2006	71 FR 76852
Notice--Public Meeting; Request for Comments	01/19/2007	72 FR 2488
NPRM; Initial Regulatory Flexibility Analysis (IRFA)	02/15/2007	72 FR 7376
NPRM; IRFA; Comment Period End	02/20/2007	
NPRM Comment Period End	02/20/2007	
Final Rule	11/26/2008	73 FR 72130
Final Rule; Effective Date Extended for Sec. 1580.107	12/19/2008	73 FR 77531
Final Rule Effective Date	12/26/2008	
Effective Date for Sec. 1580.107	04/01/2009	
Final Rule; Correcting Amendments Effective	05/20/2009	
Final Rule; Correcting Amendments	05/20/2009	74 FR 23656

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: Yes

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Transportation Security Administration ( TSA )

RIN: 1652-AA63

 [View Related Documents](#)

Title: Airport Access Controls

Abstract: The Transportation Security Administration (TSA) is withdrawing any further action in this rulemaking as all requirements relating to employee background checks will be consolidated in another rulemaking action, RIN 1652-AA61, Vetting, Adjudication, and Redress Process and Fees. This rule would address biometric credentials and biometric access controls, for workers who have access to specified areas of airports. TSA has concluded that additional security improvements are needed to prevent unauthorized individuals from gaining access to specified areas within airports. Current regulations require access media and controls, but do not require biometrics. Recent incidents, as well as advances in biometric systems, have led TSA to conclude that biometric credentials and associated access control systems are feasible and will significantly enhance airport security. Title 49 of U.S.C. 114 gives TSA broad authority to enhance aviation security. TSA's authority with respect to aviation security is comprehensive and supported with specific directions and authorities. Specifically, this provision directs TSA to: "require background checks for ... individuals with access to secure areas of airports and other transportation security personnel." Sec. 114 also directs TSA to "oversee the implementation and ensure the adequacy of security measures at airports."

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1542 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/27/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Local

Required: Undetermined

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA61

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Department of Homeland Security (DHS)  
 Transportation Security Administration ( TSA )

RIN: 1652-AA65

 [View Related Documents](#)

Title: False Statements Regarding Security Background Checks

Abstract: The Transportation Security Administration (TSA) will issue a final rule codifying the provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007, to ensure that public transportation agencies, railroad carriers, and their respective contractors and subcontractors do not knowingly misrepresent Federal guidance concerning security background checks of covered individuals.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1515 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-53, sec 1414(e); PL 110-53, sec 1522(e)

Legal Deadline: Sections 1414(e) and 1522(e) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 421, 449, Aug. 3, 2007) requires that, within 1 year of enactment, the Secretary of Homeland Security issue a regulation that prohibits public transportation and railroad carrier employers and their contractors from making false statements to their employees regarding security background checks as incorporated in TSA regulations, directives, or guidance.

Action	Source	Description	Date
Other	Statutory	sections 1414(e) and 1522(e) of the 9/11 Commission Act require a rule within 1 year of enactment concerning false statements regarding security background checks of covered individuals.	08/00/2008

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/31/2008	
Interim Final Rule	07/31/2008	73 FR 44665
Interim Final Rule Comment Period End	09/02/2008	
Final Rule: False Statements Regarding Security Background Checks	06/26/2009	74 FR 30477

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA44

 [View Related Documents](#)

Title: Clarification of Criteria for Certification, Oversight, and Recertification of Schools by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students

Abstract: This proposed rule would clarify the criteria for nonimmigrant academic (F visa) and vocational (M visa) students and exchange aliens (J visa) to maintain visa status, and for the schools certified by the Student and Exchange Visitor Program (SEVP) to enroll F or M nonimmigrant students to fulfill their recordkeeping, retention, and reporting requirements to SEVP. The proposed rule would incorporate significant refinements in policy and procedures that have evolved since the last major regulatory update in 2002 and since the establishment of SEVP nearly 6 years ago. The proposed rule would remove obsolete provisions in the regulations used prior to and during implementation of the Student and Exchange Visitor Information Program (SEVIS). In anticipation of the implementation of a major reprogramming of SEVIS, referred to as SEVIS II, that will begin in late 2009, the proposed rule would incorporate language to support that transition.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 214.3; 8 CFR 214.4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1356(m); PL 107-56; PL 107-173

Legal Deadline: None

**Regulatory Plan:**

Statement of Need: ICE will publish this proposed rule that will incorporate significant refinements in policy and procedures that have evolved since the last major regulatory update in 2002, and since the establishment of SEVP nearly six years ago. These revisions of 8 CFR 214.1-4 will clarify the criteria for F, M and J nonimmigrant status and for schools certified by SEVP, update policy and procedure for SEVP, remove obsolete provisions and support the implementation of a major reprogramming of the Student and Exchange Visitor Information System (SEVIS), known as "SEVIS II."

**Legal Basis:****Alternatives:**

Costs and Benefits: Under development. It is difficult to quantify monetarily the benefits of the Clarification of Criteria for Certification, Oversight and Recertification of Schools by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students regulation using standard economic accounting techniques. Nonimmigrant students, the schools that serve them, and the communities in which they live will benefit from the improvements and clarifications to the rules governing the certification, oversight, and recertification of schools certified by SEVP.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Business

Related RINs: Related to 1653-AA42

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Government Levels Affected: No

Federalism: No

Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA60

 [View Related Documents](#)

Title: Continued Detention of Aliens Subject to Final Orders of Removal

Abstract: This notice of proposed rulemaking (NPRM) is proposing to amend the Department of Homeland Security (DHS) regulatory provisions for custody determinations for aliens in immigration detention who are subject to an administratively final order of removal. The proposed amendment would add a paragraph to 8 CFR 241.4(g) providing that U.S. Immigration and Customs Enforcement (ICE) shall have a reasonable period of time to effectuate an alien's removal where the alien is not in immigration custody when the order of removal becomes administratively final. The proposed rule would also clarify the removal period time frame afforded to the agency following an alien's compliance with his or her obligations regarding removal subsequent to a period of obstruction or failure to cooperate. The rule proposes to make conforming changes to 241.13(b)(2). Lastly, the rule proposes to amend paragraph to 8 CFR 241.13(b)(3) to make clear that aliens certified by the Secretary under section 236A of the Immigration and Nationality Act, 8 U.S.C. 1226a, are not subject to the provisions of 8 CFR 241.13, in accordance with the separate detention standard provided under the Act.

Priority: Other Significant

Major: Undetermined

CFR Citation: 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253

Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Related RINs: Related to 1653-AA13

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Government Levels Affected: No

Federalism: No

Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA13

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Title: Continued Detention of Aliens Subject to Final Orders of Removal

Abstract: The U.S. Department of Homeland Security is finalizing, with amendments, the interim rule that was published on November 14, 2001, by the former Immigration and Naturalization Service (Service). The interim rule included procedures for conducting custody determinations in light of the U.S. Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which held that the detention period of certain aliens who are subject to a final administrative order of removal is limited under section 241(a)(6) of the Immigration and Nationality Act (Act) to the period reasonably necessary to effect their removal. The interim rule amended section 241.4 of title 8, Code of Federal Regulations (CFR), in addition to creating two new sections: 8 CFR 241.13 (establishing custody review procedures based on the significant likelihood of the alien's removal in the reasonably foreseeable future) and 241.14 (establishing custody review procedures for special circumstances cases). Subsequently, in the case of *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court clarified a question left open in *Zadvydas*, and held that section 241(a)(6) of the Act applies equally to all aliens described in that section. This rule amends the interim rule to conform to the requirements of *Martinez*. Further, the procedures for custody determinations for post-removal period aliens who are subject to an administratively final order of removal, and who have not been released from detention or repatriated, have been revised in response to comments received and experience gained from administration of the interim rule published in 2001. This final rule also makes conforming changes as required by the enactment of the Homeland Security Act of 2002 (HSA). Additionally, certain portions of the Final Rule were determined to require public comment and, for this reason, have been developed into a separate/companion Notice of Proposed Rulemaking; RIN 1653-AA60.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: This rule will improve the post order custody review process in the Final Rule related to the Detention of Aliens Subject to Final Orders of Removal in light of the U.S. Supreme Court's decisions in *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Clark v. Martinez*, 543 U.S. 371 (2005) and conforming changes as required by the enactment of the Homeland Security Act of 2002 (HSA). A companion Notice of Proposed Rulemaking (NPRM) will amend 8 CFR 241.1(g) to provide for a new 90-day removal period once an alien comes into compliance with his or her obligation to make timely application in good faith for travel or other documents and not conspire or act to prevent removal. The NPRM adds new subparagraph (iii) to 8 CFR 241.4(g)(1) to provide for a 90-day removal period once the alien is taken into custody if at liberty or in another agency's custody at the time the removal order becomes administratively final and amends 8 CFR 241.13(b)(3) to clarify that aliens who fall within the provisions of 236A of the Act, 8 U.S.C. 1226a, are not covered by the provisions of 8 CFR 241.13(a) (such alien covered by the specific provisions of section 236A).

Legal Basis:

Alternatives:

Costs and Benefits: Under development; this rule is not significant for economic reasons.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/2001	66 FR 56967
Interim Final Rule Comment Period End	01/14/2002	
Final Action	05/00/2010	

Additional Information: INS No. 2156-01 Transferred from RIN 1115-AG29

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA47

 [View Related Documents](#)

Title: Electronic Signature and Storage of Form I-9, Employment Eligibility Verification

Abstract: Department of Homeland Security (DHS) regulations provide that employers and recruiters or referrers for a fee required to complete and retain Forms I-9, Employment Eligibility Verification, may sign and retain these forms electronically.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2

Legal Deadline: None

Regulatory Plan:

Statement of Need: This final rule on the Electronic Signature and Storage of Form I-9, Employment Eligibility Verification will respond to comments and make minor changes to the IFR that was published in 2006.

Legal Basis:

Alternatives:

Costs and Benefits: Under development.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	06/15/2006	
Interim Final Rule	06/15/2006	71 FR 34510
Interim Final Rule Comment Period End	08/14/2006	
Final Rule	02/00/2010	

Additional Information: ICE 2345-05

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State;  
Tribal

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA56

 [View Related Documents](#)

Title: Extending Period for Optional Practical Training by 17 Months for F-1 Nonimmigrant Students With STEM Degrees and Expanding the CAP-GAP Relief for All F-1 Students With Pending H-1B Petitions

Abstract: Currently, foreign students in F-1 nonimmigrant status who have been enrolled on a full-time basis for at least one full academic year in a college, university, conservatory, or seminary certified by U.S. Immigration and Custom Enforcement's (ICE) Student and Exchange Visitor Program (SEVP) are eligible for 12 months of optional practical training (OPT) to work for a U.S. employer in a job directly related to the student's major area of study. The maximum period of OPT is 29 months for F-1 students who have completed a science, technology, engineering, or mathematics (STEM) degree and accept employment with employers enrolled in U.S. Citizenship and Immigration Services' (USCIS') E-Verify employment verification program. Employers of F-1 students with an extension of post-completion OPT authorization must report to the student's designated school official (DSO) within 48 hours after the OPT student has been terminated from, or otherwise leaves, his or her employment with that employer prior to end of the authorized period of OPT. The final rule will respond to public comments and may make adjustments to the regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184 to 1187; 8 USC 1221; 8 USC 1281 and 1282; 8 USC 1301 to 1305

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: ICE will improve SEVP processes by publishing the Final Optional Practical Training (OPT) rule, which will respond to comments on the OPT interim final rule (IFR). The IFR increased the maximum period of OPT from 12 months to 29 months for nonimmigrant students who have completed a science, technology, engineering, or mathematics (STEM) degree and who accept employment with employers who participate in the U.S. Citizenship and Immigration Services' (USCIS') E-Verify employment verification program.

#### Legal Basis:

Alternatives: DHS is considering several alternatives to the 17-month extension of OPT and cap-gap extension, ranging from taking no action to further extension for a larger populace. The interim final rule addressed an immediate competitive disadvantage faced by U.S. industries and ameliorated some of the adverse impacts on the U.S. economy. DHS continues to evaluate both quantitative and qualitative alternatives.

Costs and Benefits: Based on an estimated 12,000 students per year that will receive an OPT extension and an estimated 5,300 employers that will need to enroll in E-verify, DHS projects that this rule will cost students approximately \$1.49 million per year in additional information collection burdens, \$4,080,000 in fees, and cost employers \$1,240,000 to enroll in E-Verify and \$168,540 per year thereafter to verify the status of new hires. However, this rule will increase the availability of qualified workers in science, technology, engineering, and mathematical fields; reduce delays that place U.S. employers at a disadvantage when recruiting foreign job candidates, thereby improving strategic and resource planning capabilities; increase the quality of life for participating students, and increase the integrity of the student visa program.

#### Risks:

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/2008	73 FR 18944
Interim Final Rule Comment Period End	06/09/2008	
Final Rule	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: [www.dhs.gov/sevis/](http://www.dhs.gov/sevis/)

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA05

 [View Related Documents](#)

Title: Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal

Abstract: This rule amends the regulations of the Department of Homeland Security to establish that an alien who becomes subject to an administratively final order of removal, deportation, or exclusion has an affirmative duty to surrender to U.S. Immigration and Customs Enforcement (ICE). An alien generally must meet his or her surrender obligations within 45 days of the date the order becomes final. In addition, an obligor of a bonded alien has a duty to ensure that such alien meets his or her surrender obligations under this rule. ICE will no longer send to aliens notices demanding their surrender. ICE also will no longer send to obligors notices demanding the delivery of bonded aliens. A bonded alien's failure to meet his or her surrender obligations pursuant to this rule constitutes a breach of the alien's bond.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 240.13 to 240.19 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1231; 8 USC 1253

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	09/04/1998	63 FR 47205
NPRM Comment Period End	11/03/1998	
Supplemental NPRM	05/09/2002	67 FR 31157
Supplemental NPRM Comment Period End	06/10/2002	

Additional Information: Transferred from RIN 1115-AE82

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA06

 [View Related Documents](#)

Title: Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses

Abstract: The final rule will establish an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No



CFR Citation: 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM--INS No. 1848-97	07/12/1999	64 FR 37461
NPRM Comment Period End	09/10/1999	

Additional Information: INS No.1848-97 Transferred from RIN 1115-AE83

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State; Federal

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA08

 [View Related Documents](#)

Title: Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings

Abstract: This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act and certain nonpermanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for "repapering" (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review rulemaking.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 239 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 104-208

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	11/30/2000	65 FR 71273
NPRM Comment Period End	01/29/2001	

Additional Information: INS No. 2083-00 Transferred from RIN 1115-AF87

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA09

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Title: Protection and Assistance for Victims of Trafficking

Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary, the Attorney General, and the Secretary of State are promulgating these regulations for federal law enforcement and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 1100 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103 and 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Statutory deadline for promulgation of regulations.	04/28/2001

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/24/2001	66 FR 38514
Interim Final Rule Comment Period End	10/22/2001	

Additional Information: INS No. 2133-01 Transferred from RIN 1115-AG20

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA14

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Title: Custody Procedures

Abstract: This rule amends Department regulations on the period of time after an alien's arrest within which the Department must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, DHS must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Department must make such determinations within an additional reasonable period of time.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 287 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225 and 1226; 8 USC 1251; ...

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	09/17/2001	66 FR 48334
Interim Final Rule Published	09/20/2001	66 FR 48334
Interim Final Rule Comment Period End	11/19/2001	

Additional Information: INS No 2171-01 Transferred from RIN 1115-AG40

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA20

 [View Related Documents](#)

Title: Technical Amendments Relating to Immigration Bonds

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation concerns the computation of interest on cash bonds. It does not mention the Treasury Department requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 293 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: INS No. 2258-03 Transferred from RIN 1115-AG97

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA29

 [View Related Documents](#)

Title: Changes in Registration Policies and Monitoring of Certain Nonimmigrants

Abstract: This rule amends DHS regulations for the registration and monitoring of certain nonimmigrant aliens. This rule amends existing regulations by suspending the 30-day and annual re-registration requirements for aliens who are subject to the National Security Entry-Exit Registration System (NSEERS) registration. Instead of requiring all aliens subject to NSEERS to appear for 30-day and/or annual registration interviews, DHS will utilize a more tailored system in which it will notify individual aliens of future registration requirements. This rule also eliminates the requirement for those nonimmigrant aliens subject to special registration who are also enrolled in the Student and Exchange Visitor Information System (SEVIS) to separately notify DHS of changes in educational institutions and addresses. Additionally, this rule clarifies how nonimmigrant aliens may apply for relief from special registration requirements and clarifies that certain alien crewmen are not subject to the departure requirements. Finally, certain conforming amendments have been made to existing regulations to reflect that the former Immigration and Naturalization Service has been abolished and its functions transferred from the Department of Justice to DHS, under the Homeland Security Act of 2002 (HSA), Public Law 107-296.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 264 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1184 and 1185; 8 USC 1302; 8 USC 1303; 8 USC 1305

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	12/02/2003	68 FR 67578
Interim Final Rule Comment Period End	02/02/2004	

Additional Information: ICE No. 2301-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA30

 [View Related Documents](#)

Title: Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens

Abstract: This interim rule amended DHS regulations to provide that the Secretary may publish a notice to extend the duration of status, under specified conditions, of certain F-1 and J-1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H-1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule was a necessary stopgap measure because of a large number of F-1 and J-1 nonimmigrant aliens seeking a change of nonimmigrant status to that of H-1B after completion of their studies or their program. However, many of these aliens were unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This

rule allows such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	06/15/1999	64 FR 32146
Interim Final Rule Comment Period End	08/16/1999	

Additional Information: CIS No. 1992-99 Transferred from RIN 1615-AA27

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Previously Reported as 1115-AF54

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA31

 [View Related Documents](#)

Title: Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)

Abstract: This rule continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). On October 30, 2001, President George W. Bush issued Homeland Security Directive No. 2 requiring DHS to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals. This rule governs the review and certification process that DHS uses to approve schools to enroll foreign students. While DHS had in place an existing process for certifying and decertifying schools, DHS requires all previously approved schools to apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 1907; EO 12356

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	09/25/2002	
Interim Final Rule	09/25/2002	67 FR 60107
Interim Final Rule Comment Period End	11/25/2002	

Additional Information: CIS No. 2217-02 Transferred from RIN 1615-AA77

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1115-AG71

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA43

 [View Related Documents](#)

Title: Amendment of Flight Training Regulations for F and M Nonimmigrants and to Transition J Flight Training Programs of the Department of State to M Flight Programs With the Department of Homeland Security

Abstract: This regulation will ensure that, in the interest of national security, DHS provides efficient and effective oversight for flight training programs. The eight Department of State (DOS) flight training programs that are validated to enroll J visa exchange visitors will, at DOS request, be incorporated into the DHS Student and Exchange Visitor Program (SEVP) flight training certification process. This regulation will accomplish and facilitate this transition, modify existing M and F regulations as necessary to improve the tracking of flight training students in M and F classification and promote international flight safety by expanding practical training opportunities for this group.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214; 22 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Government Levels Affected: Federal

Required: Undetermined

Small Entities Affected: Business

Federalism: No

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA45

 [View Related Documents](#)

Title: Strengthening Control Over Immigration Surety Bonds

**Abstract:** The Department continues to experience problems collecting the funds for breached surety bonds. Several surety companies and/or their bonding agents continue to circumvent administrative remedies to address immigration surety bond claims sent out by the Department and have evaded the judicial review process. This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by improving current DHS procedures and by providing the Department with stronger enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using the Department's appeal procedures, as a prerequisite to challenging the Department's actions under the Administrative Procedure Act, before seeking judicial review of DHS actions. Also, this rule limits the exposure of the Department in cases when bonding agents have acted improperly or when authorities have been denied by their corporate principals and encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim. Further, the rule formalizes DHS' reporting requirements to the Department of Treasury and provides notification to the Treasury of high-dollar volume of unpaid debt over 90 days old. Lastly, the rule adds an enforcement measure to suspend acceptance of surety bonds from bonding agents and/or surety companies that have large unpaid balances or who do not otherwise respond to DHS invoices. This rule is necessary to ensure that the Department receives funds owed by the surety companies.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; PL 104-208

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: Prior RIN 1653-AA16 was withdrawn in Spring 2004 Agenda

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA51

 [View Related Documents](#)

**Title:** Removal of Obsolete Procedures and Requirements for F and M Nonimmigrant Students for Schools Authorized To Enroll F and M Nonimmigrant Students

**Abstract:** On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years. This direct final rule deletes obsolete, pre-SEVIS policies and procedures in various regulations. The continued presence of this outdated verbiage contributes to confusion, inefficiency, and misunderstanding by students and academic institutions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1356; PL 107-56; PL 107-173

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: Sharon Snyder

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement ( USICE )

RIN: 1653-AA59

 [View Related Documents](#)

Title: Safe-Harbor Procedures for Employers Who Receive a No-Match Letter: Rescission

Abstract: This final rule would rescinds the amendments promulgated on August 15, 2007, and October 28, 2008, relating to procedures that employers may take to acquire a safe harbor from receipt of no-match letters and reinstate language that was in effect prior to August 15, 2007.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/14/2006	71 FR 34281
NPRM Comment Period End	08/14/2006	
Final Rule	08/15/2007	72 FR 45611
Supplemental NPRM	03/26/2008	73 FR 15944
Supplemental NPRM Comment Period End	04/25/2008	
Final Rule Effective	10/28/2008	
Supplemental Final Rule	10/28/2008	73 FR 63843
NPRM	08/19/2009	74 FR 41801
NPRM Comment Period End	09/18/2009	
Final Rule	10/07/2009	74 FR 51447
Final Rule Effective	11/06/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Governmental  
Jurisdictions; Organizations

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1653-AA50

Agency Contact: Joe Jeronimo Department of Homeland Security

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Department of Homeland Security (DHS)



Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA18

 [View Related Documents](#)

Title: Disaster Assistance; Federal Assistance to Individuals and Households

Abstract: This rulemaking implements section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In doing so, the notice of proposed rulemaking would propose further revisions to 44 CFR part 206, subpart D (the Individuals and Households Program (IHP)) and remove subpart E (Individual and Family Grant Programs). Among other things, it would propose to implement section 686 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) to remove the IHP subcaps; and PKEMRA section 685 regarding semi-permanent and permanent housing construction eligibility. It would revise FEMA's regulations related to individuals with disabilities pursuant to PKEMRA section 689; and revise FEMA's regulations to allow for the payment of security deposits and the costs of utilities, excluding telephone service, in accordance with section 689d of PKEMRA. The rule would propose to implement section 689f of PKEMRA by authorizing assistance to relocate individuals displaced from their predisaster primary residence, to and from alternate locations for short- or long-term accommodations.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5174

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		10/15/2002

Regulatory Plan:

Statement of Need: FEMA needs to revise its IHP regulations to reflect lessons learned, from Hurricane Katrina and subsequent events, to address comments received on the interim regulations, and to implement recent legislative changes (i.e. Post-Katrina Emergency Management Reform Act of 2006). These changes are intended to provide clear information to disaster assistance applicants, implement new authorities, and help ensure the consistent administration of the Individuals and Households Program.

Legal Basis: This rulemaking is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended by the Post-Katrina Emergency Management Reform Act of 2006.

Alternatives: The rule is under development.

Costs and Benefits: The economic analysis for this rule is under development.

Risks: This action does not adversely affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/23/2002	67 FR 3412
NPRM Comment Period End	03/11/2002	
Interim Final Rule	09/30/2002	67 FR 61446
Corrections Effective	10/09/2002	
Corrections	10/09/2002	67 FR 62896
Interim Final Rule Effective	10/15/2002	
Interim Final Rule Comment Period End	04/15/2003	
NPRM	08/00/2010	

Additional Information: Transferred from RIN 3067-AD25; Docket ID FEMA-2008-0005

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Agency Contact: Julia Chiu

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA30

 [View Related Documents](#)

Title: National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums

Abstract: This rule proposes to amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264). Specifically, this rule would address sections 105 (Amendments to Additional Coverage for Compliance With Land Use and Control Measures) and 209 (Prospective Payment of Flood Insurance Premiums). Section 105 authorizes the extension of Increased Cost of Compliance coverage, which currently applies when a community is enforcing its substantial damage or cumulative substantial damage ordinance, to also include those properties for which an offer of mitigation assistance is made under a variety of FEMA-funded mitigation programs. Section 209 directs that if a policyholder is determined to be paying a lower premium than is required due to an error in the floodplain determination, the higher premium may only be charged prospectively.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4011(b)(4); 42 USC 4015(f)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Thomas Hayes

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA48

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Compensation for FIRA Implementation

Abstract: FEMA proposes to change the current Financial Assistance/Subsidy Arrangement (the Arrangement) to provide compensation to companies that are signatories to the Arrangement for expenses incurred in implementing the provisions of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act (FIRA) of 2004. In recognition of these additional expenses, the

Write-Your-Own expense allowance would be increased.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 42 USC 4011

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Edward L. Connor

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Department of Homeland Security (DHS)

Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA51

 [View Related Documents](#)

Title: Update of FEMA's Public Assistance Regulations

Abstract: This proposed rule would revise the Federal Emergency Management Agency's Public Assistance program regulations. Many of these changes reflect amendments made to the Robert T. Stafford Disaster Relief and Emergency Assistance Act by the Post-Katrina Emergency Management Reform Act of 2006 and the Security and Accountability For Every Port Act of 2006. The proposed rule also proposes to reflect lessons learned from recent events, and propose further substantive and non-substantive clarifications and corrections to improve upon the Public Assistance regulations. This proposed rule is intended to improve the efficiency and consistency of the Public Assistance program, as well as implement new statutory authority by expanding Federal assistance, providing for precautionary evacuations, improving the Project Worksheet process, empowering grantees, and improving State Administrative Plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 42 USC 5121-5207

Legal Deadline: None

Regulatory Plan:

Statement of Need: The proposed changes implement new statutory authorities and incorporate necessary clarifications and corrections to streamline and improve the Public Assistance program. Portions of FEMA's Public Assistance regulations have become out of date and do not implement all of FEMA's available statutory authorities. The current regulations inhibit FEMA's ability to clearly articulate its regulatory requirements, and the Public Assistance applicants' understanding of the program. The proposed changes are intended to improve the efficiency and consistency of the Public Assistance program.

Legal Basis: The legal authority for the changes in this proposed rule is contained in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 to 5207, as amended by the Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. 701 et seq., the Security and Accountability for Every Port Act of 2006, 6 U.S.C. 901 note, the Local

Community Recovery Act of 2006, Public Law 109-218, 120 Stat. 333, and the Pets Evacuation and Transportation Standards Act of 2006, Public Law 109-308, 120 Stat. 1725.

**Alternatives:** One alternative is to revise some of the current regulatory requirements (such as application deadlines) in addition to implementing the amendments made to the Stafford Act by (1) the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) Public law 109-295, 120 Stat. 1394; 2) the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109-347, 120 Stat. 1884, 3) the Local Community Recovery Act of 2006, Public Law 109-218, 120 Stat. 333; and 4) the Pets Evacuation and Transportation Standards Act of 2006 (PETS Act), Public Law 109-308, 120 Stat. Another alternative is to expand funding by expanding force account labor cost eligibility to Category A Projects (debris removal) as well as Category B Projects (emergency protective measures).

**Costs and Benefits:** The proposed rule is expected to have economic impacts on the public, grantees, subgrantees, and FEMA. The expected benefits are a reduction in property damages, societal losses, and losses to local businesses, as well as improved efficiency and consistency of the Public Assistance program. The expected cost impact of the proposed rule is mainly the costs to FEMA in administering the Public Assistance program of approximately \$60 million per year. Less than \$1 million per year is expected to be attributed to grantees, and FEMA estimates the rule will have no costs added to subgrantees. These costs to FEMA are expected to accrue from the inclusion of education to the list of eligible private nonprofit critical services; expansion of force account labor cost eligibility; the inclusion of durable medical equipment; the evacuation, care, and sheltering of pets; as well as providing for precautionary evacuation measures. However, most of the proposed changes are not expected to result in any additional cost to FEMA or any changes in the eligibility of assistance. For example, the proposed rule would provide for accelerated Federal assistance and expedited payment of Federal share for debris removal. These are expected to improve the agency's ability to quickly provide funding to grantees and subgrantees without affecting Public Assistance funding amounts.

**Risks:** This action does not adversely affect public health, safety, or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2010	

Regulatory Flexibility Analysis  
Required: Governmental Jurisdictions

Government Levels Affected: Federal; Local; State

Federalism: Yes

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA55

 [View Related Documents](#)

**Title:** Employment of Personnel for Purposes of the Defense Production Act

**Abstract:** This notice of proposed rulemaking would provide the procedures for Federal departments and agencies to employ persons with special qualifications to carry out the purposes of the Defense Production Act of 1950, as amended.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 44 CFR 328 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 50 USC app 2160

**Legal Deadline:** None

## Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA56

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Title: Voluntary Agreements Under Section 708 of the Defense Production Act of 1950, as Amended

Abstract: This notice of proposed rulemaking would provide the procedures to be followed by all persons involved in the making of voluntary agreements and plans of action to help provide for the national defense of the United States through the development of preparedness programs and the expansion of productive capacity and supply.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 332 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 50 USC App 2158

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA60

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Title: Federal Emergency Management Agency Stafford Act Mission Assignments

Abstract: 44 CFR 206.208 addresses FEMA's provision of direct Federal assistance to a State or Indian Tribal government

when such entity lacks the capability to perform or to contract for eligible emergency work. FEMA proposes to reorient this section to set forth the other types of mission assignments authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as well as to further clarify direct Federal assistance, which is often a mission assignment but also is sometimes work carried out or coordinated by FEMA itself. Mission assignments are an integral part of the way in which FEMA provides Federal assistance to the States and local governments as well as the fundamental method FEMA uses to obtain assistance from other Federal agencies to provide assistance. The authority for mission assignments is set forth in the Stafford Act in section 402 and is often used in work performed under section 403. Further, the Post-Katrina Emergency Management Reform Act of 2006 added the authority for FEMA to assign missions for recovery efforts. This is a new authority which will be addressed in this proposed regulation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.2; 44 CFR 206.7; 44 CFR 206.8; 44 CFR 206.208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5170a; 42 USC 5192

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA61

 [View Related Documents](#)

Title: Federal Emergency Management Agency Emergency Support Teams

Abstract: FEMA proposes to update 44 CFR 206.43 "Emergency support teams." Currently, this section identifies the Federal Coordinating Officer (FCO) as having authority to "activate emergency support teams, composed of Federal program and support personnel, to be deployed into an area affected by a major disaster or emergency." The section also states that these teams "assist the FCO in carrying out his/her duties under the Stafford Act." FEMA proposes to update these regulations to reflect statutory changes to the requirements for the response teams that were made by the Homeland Security Act of 2002, as amended, and the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) and current operations. In particular, FEMA must direct a number of different emergency support teams, including new "strike teams" (now the Incident Management Assistance Teams) required in PKEMRA to support its mission. The regulation will be updated to reflect current command, control, and operational relationships. FEMA also proposes to change the regulation to reflect FEMA's authority to preposition its emergency and disaster response teams before a disaster is declared.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.43 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 et seq

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Megs Hepler

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA62

 [View Related Documents](#)

Title: Treatment of Firearms in Response To or Recovery From a Major Disaster or Emergency

Abstract: In the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), Congress added section 706 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, prohibiting the confiscation of certain firearms by Federal employees acting in support of relief from a major disaster or emergency. Section 706 does, however, permit Federal employees to require the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency, provided that such temporarily surrendered firearm is returned at the completion of such rescue or evacuation. FEMA proposes to issue regulations delineating its procedures for the treatment of firearms in accordance with this statutory change.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5207

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA67

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Title: Revision to FEMA Rulemaking Policy and Procedures

Abstract: FEMA proposes to revise 44 CFR 1.4(b) to reflect the Agency's true policy regarding the publication of regulations with respect to its loan and grant programs. Pursuant to the Administrative Procedure Act, agencies are not required to publish notice and comment regulations for grant and loan programs. FEMA has, however, voluntarily published regulations for its "no year" grant and loan programs. Those are the programs whose appropriations are not changed annually, such as those in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. Annual, or semi-annual grants, such as the Pre-Disaster Mitigation or Staffing for Adequate Fire and Emergency Response or other preparedness grant programs are issued by grant guidance on grants.gov. Their frequently changing requirements and fast issuance deadlines are not conducive to the rulemaking process. In proposing this change, FEMA would also propose to remove the outdated regulations for the Assistance to Firefighters Grant Program in part 152.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 1.4; 44 CFR 152 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 5 USC 553

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1601-AA30; Previously Reported as 1660-AA50

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA21

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Title: Management Costs

Abstract: This rule implements the management costs provisions in section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to simplify and to clarify the method by which FEMA contributes to the costs incurred by grantees and subgrantees to implement the Public Assistance and Hazard Mitigation Grant programs. The rule establishes fixed management cost rates for compensating eligible grantees and subgrantees while protecting Federal financial interests.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206; 44 CFR 207 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 42 USC 5165(b)

Legal Deadline: None



## Timetable:

Action	Date	FR Cite
NPRM	08/30/2002	67 FR 56130
NPRM Comment Period End	09/30/2002	
Interim Final Rule	10/11/2007	72 FR 57869
Interim Final Rule Comment Period End	11/13/2007	
Interim Final Rule Effective	11/13/2007	
Reopening Comment Period	08/29/2008	73 FR 50881
Reopening Comment Period End	09/29/2008	
Notice of Meeting and Reopening Comment Period	11/24/2008	73 FR 70894
Reopening Comment Period End	12/11/2008	
Final Action	03/00/2010	

Additional Information: Transferred from RIN 3067-AD29; Docket ID FEMA-2006-0035

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: Governmental Jurisdictions  
Energy Affected: No

Government Levels Affected: Local; State; Tribal  
Federalism: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA22

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)

Abstract: The interim final rule amended the Group Flood Insurance Policy, as a result of the consolidation of sections 408 and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by section 206 of the Disaster Mitigation Act of 2000.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/30/2002	
Interim Final Rule	09/30/2002	67 FR 61460
Interim Final Rule Comment Period End	04/15/2003	
Final Action	11/00/2010	

Additional Information: Transferred from RIN 3067-AD31

Regulatory Flexibility Analysis Required: No  
Small Entities Affected: No

Government Levels Affected: State  
Federalism: No

Energy Affected: No  
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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA23

 [View Related Documents](#)

Title: Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation

Abstract: The interim rule allows the Assistant Administrator for the Disaster Assistance Directorate to extend the deadline for the Crisis Counseling Regular Program in limited circumstances.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 to 5207

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Applicability Date	09/11/2001	
Interim Final Rule Effective	03/03/2003	
Interim Final Rule	03/03/2003	68 FR 9899
Interim Final Rule Comment Period End	05/02/2003	
Final Action	03/00/2010	

Additional Information: Transferred from RIN 3067-AD32

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA28

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

**Abstract:** This rule amends the Financial Assistance/Subsidy Arrangement (the Arrangement) between FEMA and the private sector insurers that sell and service flood insurance. Among other things, the rule establishes when FEMA is responsible for litigation costs and when the insurers are responsible, and clarifies issues of jurisdiction and choice of law when the insurers are sued.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 4001 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	10/14/2003	68 FR 59146
NPRM Comment Period End	11/13/2003	
Interim Final Rule	07/30/2004	69 FR 45607
Interim Final Rule Comment Period End	09/28/2004	
Interim Final Rule Effective	10/01/2004	
Final Action	05/00/2010	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Agency Contact:** Edward L. Connor

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA29

 [View Related Documents](#)

**Title:** National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement

**Abstract:** FEMA changed the Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through September 30, 2003, to a term of October 1, 2002, through December 31, 2003. The second interim final rule extended the Arrangement from October 1, 2002, through May 1, 2004. The third interim final rule extends the Arrangement to a term of October 1, 2002, through September 30, 2004. The Arrangement defines the duties and responsibilities of insurers that sell and service insurance under the Write-Your-Own Program. It also identifies the responsibilities of the Government to provide financial and technical assistance to these insurers.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 42 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 4001 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/05/2003	68 FR 52700
Interim Final Rule Comment Period End	10/06/2003	

Interim Final Rule Effective	10/01/2003	
Interim Final Rule	12/31/2003	68 FR 75453
Interim Final Rule Effective	01/01/2004	
Interim Final Rule Comment Period End	03/01/2004	
Interim Final Rule	04/30/2004	69 FR 23657
Interim Final Rule Effective	05/02/2004	
Interim Final Rule Comment Period End	06/29/2004	
Final Action	05/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

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Government Levels Affected: Federal

Federalism: No

Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA44

 [View Related Documents](#)

Title: Special Community Disaster Loans Program

Abstract: This rule amends FEMA's regulations to implement loan cancellation provisions for Special Community Disaster Loans (Special CDLs), which were provided by FEMA to local governments in the Gulf region following Hurricanes Katrina and Rita. This rule would not automatically cancel all Special CDLs, but would establish the procedures and requirements for governments who received Special CDLs to apply for cancellation of loan obligations as authorized by the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Troop Act). With the passage of the Troop Act, FEMA has the discretionary ability to cancel Special CDLs subject to the limitations of section 417(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Under section 417 of the Stafford Act, FEMA is authorized to cancel a loan if it determines that the "revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character." Since the cancellation provisions of section 417 of the Stafford Act already exist in the Traditional CDL Program regulations at 44 CFR 206.366, and section 417 of the Stafford Act provides the basis for cancellation of loans under both the Special CDL Program and the Traditional CDL Program, FEMA proposed to mirror the Traditional CDL cancellation provisions for Special CDLs. This rule will not affect the cancellation provisions for the Traditional CDL Program.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 to 5207

Legal Deadline: None

**Regulatory Plan:**

Statement of Need: This rulemaking is needed to address the needs of the communities affected by Hurricanes Katrina and Rita in 2005. This rule would provide for the alleviation of financial hardship on those communities who can demonstrate that in the three full fiscal years after the disaster they have not recovered to the point that their revenues are sufficient to meet their operating budget. This rule is needed to help those communities recover from that catastrophic disaster by offering the potential for relief of an additional financial burden.

Legal Basis: This rulemaking is authorized by the Community Disaster Loan Act of 2005 (Pub. L. 109-88), the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, (Pub. L. 109-234), and

the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110-28).

**Alternatives:** FEMA considered creating new and different cancellation application requirements for these communities but decided against that method as the cancellation authority is the same as the authority for traditional CDLs and the regulations currently used to cancel traditional CDLs has been in place and working for 19 years. New requirements may be confusing, additionally burdensome, or insufficient. FEMA is also considering the alternatives proposed by the commenters in drafting the final rule.

**Costs and Benefits:** The overall impact of this rule is the cost to the applicant to apply for the cancellation, as well as the impact on the economy of potentially forgiving all Special Community Disaster Loans and any related interest and costs. As the total amount of loans approved in the SCDL program reached almost \$1.3 billion, therefore, the maximum total economic impact of this rule is approximately \$1.3 billion. However, without knowing which communities will apply for cancellation and the dollar amount of the loans that will be cancelled, it is impossible to predict the amount of the economic impact of this rule with any precision. Although the impact of the rule could be spread over multiple years as applications are received, processed, and loans cancelled, the total economic effect of a specific loan cancellation would only occur once, rather than annually.

**Risks:** This action does not adversely affect public health, safety, or the environment.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/18/2005	
Interim Final Rule	10/18/2005	70 FR 60443
Interim Final Rule Comment Period End	12/19/2005	
NPRM	04/03/2009	74 FR 15228
NPRM Comment Period End	06/02/2009	
Final Rule	01/00/2010	

**Additional Information:** Docket ID FEMA-2005-0051

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Energy Affected:** No

**RIN Information URL:** [www.regulations.gov](http://www.regulations.gov)

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**Government Levels Affected:** Federal; Local; State; Tribal

**Federalism:** No

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA65

 [View Related Documents](#)

**Title:** Technical Amendment; Implementation of Standard Form 425 Federal Financial Report

**Abstract:** This technical amendment will revise title 44 CFR to conform with the Office of Management and Budget's requirement that Federal agencies must use the Standard Form (SF)-425 for financial and cash transaction reporting in place of the SF-269, SF-269A, SF-272, and SF-272A.

**Priority:** Info./Admin./Other

**Major:** No

**CFR Citation:** 44 CFR 13 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 44 USC 3501

**Agenda Stage of Rulemaking:** Final Rule

**Unfunded Mandates:** No

## Legal Deadline:

Action	Source	Description	Date
Other	Statutory	73 FR 61175, Oct. 15, 2008	10/01/2009

## Timetable:

Action	Date	FR Cite
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA02

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Title: Disaster Assistance; Hazard Mitigation Grant Program

Abstract: This rule would revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program. It emphasizes nonstructural flood mitigation measures to reduce the number of flood-prone structures and clarifies that major structural flood control projects will not be considered for funding under the grant program.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 et seq

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	05/01/1998	63 FR 24143
NPRM Comment Period End	07/01/1998	

Additional Information: Transferred from RIN 3067-AC69

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA07

 [View Related Documents](#)

Title: National Urban Search and Rescue Response System

Abstract: The interim rule standardized the financing, administration, and operation of the US&R System, and standardized the relationships between DHS and "Sponsoring Agencies" of the US&R System--those State or local government agencies that agree to organize and administer a US&R Task Force.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	12/18/2002	67 FR 77627
NPRM Comment Period End	02/03/2003	
Interim Final Rule Effective	02/24/2005	
Interim Final Rule	02/24/2005	70 FR 9182
Interim Final Rule Comment Period End	04/11/2005	

Additional Information: Transferred from RIN 3067-AC93; Legacy ID DHS-2004-0010; Docket ID FEMA-2004-0001

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA09

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Title: National Flood Insurance Program (NFIP); Insurance Coverage and Rates

Abstract: This rule would apply full-risk premium rates under the NFIP to structures: 1) That have suffered multiple flood losses; and 2) whose owners decline an offer of funding to eliminate or reduce future flood damage.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/05/1999	64 FR 42632
NPRM Comment Period End	09/07/1999	

Additional Information: Transferred from RIN 3067-AD02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA47

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Title: Disaster Assistance; Public Assistance Repetitive Damage

Abstract: This proposed rule implements aspects of the Disaster Mitigation Act of 2000 by reducing the Federal cost share of FEMA Public Assistance to public and certain private nonprofit facilities repetitively damaged in the preceding 10 years by the same type of event and for which required hazard mitigation has not been implemented. The Federal Government should not repetitively reimburse eligible applicants for damage that could be prevented through mitigation efforts. The reduced Federal cost share of the proposed rule is intended to provide an incentive to mitigate repetitive damage, promote measures that reduce future loss to life and property, protect Federal investment in public infrastructure, and help build disaster-resistant communities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.226 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5172

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/11/2009	74 FR 40124
NPRM Comment Period End	10/13/2009	

Additional Information: Docket ID FEMA-2008-0006

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State;  
Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

Agency Contact: James A. Walke



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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA01

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Title: Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act

Abstract: This rule increases the maximum civil penalty for individuals who knowingly violate any order or regulation issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act from \$5,000 to \$5,500, as required by the Civil Penalties Inflation Adjustment Act of 1990.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 42 USC 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/10/1997	62 FR 5957
NPRM Comment Period End	04/11/1997	
Final Action	11/16/2009	74 FR 58849
Final Action Effective	12/16/2009	

Additional Information: Transferred from RIN 3067-AC61

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA36

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Title: Flood Mitigation Grants and Hazard Mitigation Planning

Abstract: This rule addresses public comments and finalizes the interim regulations that implemented the Severe Repetitive Loss program and clarified provisions of the existing Flood Mitigation Assistance program. In addition, this rule finalizes interim requirements for the acquisition of property for open space with mitigation funds and clarifies mitigation planning requirements

for Indian Tribal governments. This rule is intended to encourage hazard mitigation, reduce the number of repetitive loss properties, and improve FEMA's mitigation programs.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 59; 44 CFR 61; 44 CFR 78 to 80; 44 CFR 201; 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 42 USC 4102a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Meeting and Request for Comments	09/15/2004	69 FR 55642
Comment Period End	11/30/2004	
Interim Final Rule	10/31/2007	72 FR 61720
Interim Final Rule Effective	12/03/2007	
Interim Final Rule Comment Period End	12/31/2007	
Final Rule	09/16/2009	74 FR 47471
Final Rule Effective	10/16/2009	

Additional Information: Docket ID FEMA-2006-0010

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA45

 [View Related Documents](#)

Title: Public Assistance Eligibility

Abstract: The Federal Emergency Management Agency (FEMA) provides financial assistance to State, local, and Tribal governments, as well as certain private non-profit organizations, for response and recovery activities required as a result of a presidentially-declared major disaster or emergency. Assistance may include reimbursement for sheltering and evacuation costs incurred to assist individuals displaced by a declared major disaster or emergency. This rule finalizes the July 2006 interim rule which amended FEMA's Public Assistance eligibility regulations to allow grantees to seek reimbursement for sheltering and evacuation costs incurred outside of the area designated under a Presidential emergency or major disaster declaration, if such costs are otherwise eligible for FEMA Public Assistance. This rule further clarifies those regulations to specify which entities may be eligible for reimbursement for costs incurred from providing evacuation and sheltering services outside the area of the declared emergency or major disaster, and the procedures FEMA will use to reimburse those applicants. The rule also establishes the terms "impact-State" and "host-State" to differentiate between the State for which the President has issued a declaration and that requests evacuation and/or sheltering assistance, and the State (or Tribe) that provides the sheltering and/or evacuation assistance, respectively. Finally, the rule makes a procedural change to the way in which a host-State receives reimbursement for the regular salary or hourly wages and benefits paid to its permanent employees.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 to 5207

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/14/2006	
Interim Final Rule	07/14/2006	71 FR 40025
Interim Final Rule Comment Period End	09/12/2006	
Final Action	11/20/2009	74 FR 60203
Final Action Effective	12/21/2009	

Additional Information: Docket ID FEMA-2006-0028

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA57

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Title: Technical, Organizational, and Conforming Amendments

Abstract: This technical and conforming amendment updates title 44 CFR to conform FEMA's regulations to the Agency's existing organization and functions as established by the Post-Katrina Emergency Management Reform Act of 2006.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 1 to 2; 44 CFR 4 to 17; 44 CFR 59 to 68; 44 CFR 70 to 73; 44 CFR 75; 44 CFR 78 and 79; 44 CFR 150 to 152; 44 CFR 201; 44 CFR 204; 44 CFR 206; 44 CFR 208 and 209; 44 CFR 295; 44 CFR 300; 44 CFR 302; 44 CFR 304; 44 CFR 312; 44 CFR 321; 44 CFR 327; 44 CFR 330 to 332; 44 CFR 334; 44 CFR 350; 44 CFR 352; 44 CFR 354; 44 CFR 360 to 362 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 6 USC 311 et seq; EO 12127; Reorganization Plan No 3 of 1978, 5 USC App 1; EO 12148, as amended

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action Effective	04/03/2009	
Final Action	04/03/2009	74 FR 15328

Additional Information: Docket ID, FEMA-2008-0013

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No  
Energy Affected: No  
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Federalism: No

Department of Homeland Security (DHS)  
Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA58

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Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement

Abstract: This rule adopts as final, without change, an interim rule published on April 3, 2008. The interim rule amended portions of the Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement between Write-Your-Own Companies and FEMA. The added language assisted WYO Companies by recognizing each party's duties under the Arrangement and amended the way FEMA communicates changes to the Unallocated Loss Adjustment Expenses compensation rate to WYO Companies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/2008	73 FR 18182
Interim Final Rule Effective	05/05/2008	
Interim Final Rule Comment Period End	06/02/2008	
Final Rule	07/24/2009	74 FR 36611
Final Rule Effective	08/24/2009	74 FR 36611

Additional Information: Docket ID FEMA-2008-0001

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Homeland Security (DHS)

Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA63

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Title: Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607).

Abstract: Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), this final rule establishes an option for arbitration under the Public Assistance program administered by the Federal Emergency Management Agency. Public Assistance grant award determinations related to Hurricanes Katrina and Rita under major disaster declarations DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607 are eligible for arbitration, within the limits set by this rule.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.209 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 111-5, sec 601

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule Effective	08/31/2009	74 FR 44761
Final Rule	08/31/2009	74 FR 44761

Additional Information: Docket ID FEMA-2009-0006

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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Federal Emergency Management Agency ( FEMA )

RIN: 1660-AA64

 [View Related Documents](#)

Title: Technical Amendment; Federal Emergency Management Agency's Claims Appeals

Abstract: The Federal Emergency Management Agency (FEMA) made an address change in FEMA's National Flood Insurance Claims Appeals regulations.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62.20(e)(1) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule Effective	10/30/2009	

Final Rule

10/30/2009

74 FR 56122

Additional Information: Docket ID FEMA-2009-0009

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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